

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 4

September 20, 2012

1. **MEETING OPENING**

***[NOTE: EACH AGENDA ITEM IS AVAILABLE ON MP3 AUDIO FILES AT
<http://www.boarddocs.com/vsba/fairfax/Board.nsf/Public>]***

1.01 Call to Order/Pledge of Allegiance/Moment of Silence /National Anthem - FCPS Music Teachers

Chairman Moon convened the meeting at 8:00 p.m. with the following members present:

Tamara Derenak Kaufax (Lee; arr: 8:03)	Patricia S. Reed (Providence)
Sandra S. Evans (Mason)	Elizabeth L. Schultz (Springfield)
Patricia M. Hynes (Hunter Mill)	Kathy L. Smith (Sully)
Ryan L. McElveen (At Large)	Daniel G. Storck (Mt. Vernon; arr: 8:03)
Megan O. McLaughlin (Braddock; arr: 8:23)	Jane K. Strauss (Dranesville)
Ilryong Moon (At Large)	Theodore J. Velkoff (At Large)

Also present were Division Superintendent Jack D. Dale; Deputy Superintendent Richard Moniuszko; Executive Assistant and Clerk of the Board Pamela Goddard; Deputy Executive Assistant and Deputy Clerk of the Board Yvette Rhodes; and certain other members of staff. The Student Representative to the School Board Lucy A. Gunter was present.

Chairman Moon thanked the music teachers for their performance of the national anthem.

1.02 Announcements (Exhibit A)

Miss Gunter announced that Fire Prevention Week was October 7-13, 2012.

2. **PRESENTATIONS TO SCHOOL BOARD**

2.01 Citizen Participation (Exhibit B)

Three speakers addressed the Board in the time reserved for public comment. Michael Hairston addressed agenda item 3.01 Community Committee on Student Rights and Responsibilities (SR&R); Sylvia Washington addressed FCPS academies; and George Becerra addressed admissions to Thomas Jefferson High School for Science and Technology.

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2.02 2012-2013 Opening of Schools Report (Exhibit C)

Dr. Dale reviewed a PowerPoint presentation highlighting the successful 2012-2013 school year opening; projected student enrollment was over 181,000 students with an increase in ESOL students and students who qualified for free and reduced-priced meals; South County Middle School and Mason Crest Elementary School opened; over 1,900 new teachers had been hired; on-line math textbooks were now being used in all grades; there had been increases in the number of students who had taken Advanced Placement (AP) and International Baccalaureate (IB) tests; and per pupil costs continued to be significantly low compared to neighboring counties.

Comments included the following: commendations expressed to cluster offices and other staff members for a successful school opening; there was a drop in Standards of Learning (SOL) mathematics test scores across all subgroups, with a significant drop among minority students; new on-line mathematics textbooks were aligned with the new SOL mathematics tests; AP/IB pass rate of 69 percent was an improvement over the previous years.

2.03 Student Representative Matters

The Student Representative presented informational items.

3. ACTION ITEMS

3.01 Ad Hoc Community Committee on Student Rights and Responsibilities (SR&R) – Confirm membership of the Ad Hoc Community Committee on Student Rights and Responsibilities, as detailed in the agenda item (SB; presented as new business 7/26/12; Exhibit D)

Mr. Velkoff moved, and Mrs. Strauss seconded, to confirm membership of the Ad Hoc Community Committee on Student Rights and Responsibilities, as detailed in the agenda item.

Comments included: it was important to ensure the committee membership was a balanced representation of the community so that all the stakeholders had confidence in the committee's work; question whether an individual not appointed to the committee could still provide input during the meetings and response that the committee chairman would have the discretion to determine the level of participation from the public; and expectation that the committee would not deliberate by itself but would create opportunities for community outreach to all stakeholders.

Mrs. Smith moved, and Mr. Velkoff seconded, to amend the main motion by designating that each School Board member nominates two representatives, thereby increasing the Committee membership by 12; two representatives by

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each School Board member from his or her district, and two representatives, regardless of district, by each at-large School Board member.

Comment that the committee membership should be a diverse representation of the community and this amendment was the best way to reach out across all geographic regions of the county.

Ms. McLaughlin moved, and Mrs. Reed seconded, to amend the amendment by striking the words "from his or her district, and two representatives, regardless of district, by each at-large School Board member" and inserting the following: "with each district member nominating at least one representative from his or her district." Therefore, the last phrase would read: "two representatives by each School Board member, with each district member nominating at least one representative from his or her district."

Comments on the amendment to the amendment included the following: this amendment provided district representation as well as opportunity for Board members to appoint an individual who did not live in their respective district; question whether an individual from outside the county could be appointed to the committee and negative response; concern that the amendment to the amendment would not result in a balanced geographic representation, since at-large members could appoint individuals from different districts.

The motion to amend the amendment by striking the words "from his or her district, and two representatives, regardless of district, by each at-large School Board member" and inserting the following: "with each district member nominating at least one representative from his or her district." The last phrase would therefore read: "two representatives by each School Board member, with each district member nominating at least one representative from his or her district." **failed 6-6:** Ms. Derenak Kaufax, Ms. Evans, Ms. McLaughlin, Mrs. Reed, Ms. Schultz, and Mr. Storck voted "aye"; Ms. Hynes, Mr. McElveen, Mr. Moon, Mrs. Smith, Mrs. Strauss, and Mr. Velkoff voted "nay."

The motion to amend the main motion by designating that each School Board member nominates two representatives, thereby increasing the Committee membership by 12; two representatives by each School Board member from his or her district, and two representatives, regardless of district, by each at-large School Board member **passed 11-1:** Ms. Derenak Kaufax, Ms. Evans, Ms. Hynes, Mr. McElveen, Ms. McLaughlin, Mr. Moon, Mrs. Reed, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mr. Velkoff voted "aye"; Ms. Schultz voted "nay."

Ms. Evans moved, and Mrs. Reed seconded, to amend the main motion by increasing the Committee membership by adding the following five organizations: Coalition of the Silence, Fairfax County Council of PTAs, Fairfax County Partnership for Youth, Fairfax Zero Tolerance Reform, and the NAACP; each of these organizations will nominate one representative to the Committee.

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Comments included: these organizations could provide valuable perspectives critical to developing public policy; concerns that the committee would lack a neutral perspective if these organizations were added, and it should remain more representative of the community; there were other advocacy organizations not included in this amendment that would also bring a diversity of opinions and viewpoints; and Board members could appoint individuals from these organizations who lived in their districts.

The motion to amend the main motion by increasing the Committee membership by adding the following five organizations: Coalition of the Silence, Fairfax County Council of PTAs, Fairfax County Partnership for Youth, Fairfax Zero Tolerance Reform, and the NAACP; each of these organizations will nominate one representative to the Committee **failed 5-7**: Ms. Evans, Ms. McLaughlin, Mrs. Reed, Ms. Schultz, and Mr. Storck voted "aye"; Ms. Derenak Kaufax, Ms. Hynes, Mr. McElveen, Mr. Moon, Mrs. Smith, Mrs. Strauss, and Mr. Velkoff voted nay.

Ms. Evans moved, and Mrs. Reed seconded, to amend the main motion by increasing the number of teacher representatives to the Committee from two to three, with one teacher to be nominated by the Fairfax Education Association, one teacher nominated by the Fairfax County Federation of Teachers, and one teacher nominated by the Association of Fairfax Professional Educators.

Comments included: teachers were directly involved with student discipline issues and their input was important to the committee; the three major teacher organizations had the means to reach out and communicate with their members.

The motion to amend the main motion by increasing the number of teacher representatives to the Committee from two to three, with one teacher to be nominated by the Fairfax Education Association, one teacher nominated by the Fairfax County Federation of Teachers, and one teacher nominated by the Association of Fairfax Professional Educators **passed unanimously**.

Ms. McLaughlin moved, and Mrs. Reed seconded, to amend the main motion by designating that the Chairman of the Committee be elected by and among the School Board member appointees, and that the Deputy Superintendent and the Assistant Superintendent for Special Services serve as advisors and facilitators to the Committee.

Comments included: the chairman should be elected by the committee members; Superintendent and Assistant Superintendent for Special Services would serve in an advisory capacity; question whether the other FCPS staff members appointed to the committee would be voting members and affirmative response.

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The motion to amend the main motion by designating that the Chairman of the Committee be elected by and among the School Board member appointees, and that the Deputy Superintendent and the Assistant Superintendent for Special Services serve as advisors and facilitators to the Committee **passed unanimously.**

Ms. Schultz moved, and Mrs. Reed seconded, to amend the main motion by decreasing the total membership of the Committee by ten members, all of whom are FCPS staff members, resulting in only two FCPS staff members serving on the Committee, one of whom shall be an educator and one of whom shall be a student specialist; these two members shall be nominated by and among the original group of 12 FCPS staff members.

Comments included: concern expressed about the size of the committee with FCPS staff members representing a third of the committee; this amendment was in conflict with the motion approved by the Board on June 7, 2012, that created this committee; question whether the 10 staff members cut by this amendment could still be involved and response that they could attend the meetings but would not be voting members of the committee; concerns that the perspectives from teachers, principals, and counselors were important to the work of the committee and they should be active members; question how the FCPS staff members would be selected and response that the Board chairman would send letters to the associations requesting a representative.

The motion to amend the main motion by decreasing the total membership of the Committee by ten members, all of whom are FCPS staff members, resulting in only two FCPS staff members serving on the Committee, one of whom shall be an educator and one of whom shall be a student specialist; these two members shall be nominated by and among the original group of 12 FCPS staff members **failed 1-11:** Ms. Schultz voted "aye"; Ms. Derenak Kaufax, Ms. Evans, Ms. Hynes, Mr. McElveen, Ms. McLaughlin, Mr. Moon, Mrs. Reed, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mr. Velkoff voted "nay."

Comments on the main motion as amended included: suggestion that Board members coordinate their list of appointees with the Board chairman; the at-large members were encouraged to nominate a wide range of representatives from across the county.

[Clerk's note: Ms. McLaughlin made a motion concerning the appointment of a student who previously had been involved in the discipline process. Ms. McLaughlin withdrew her motion.]

The main motion to confirm membership of the Ad Hoc Community Committee on Student Rights and Responsibilities, as detailed in the agenda item, and as amended, by designating that each School Board member nominates two representatives, thereby increasing the Committee membership by 12; two

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representatives by each School Board member from his or her district, and two representatives, regardless of district, by each at-large School Board member; by increasing the number of teacher representatives to the Committee from two to three, with one teacher to be nominated by the Fairfax Education Association, one teacher nominated by the Fairfax County Federation of Teachers, and one teacher nominated by the Association of Fairfax Professional Educators; and by designating that the Chairman of the Committee be elected by and among the School Board member appointees, and that the Deputy Superintendent and the Assistant Superintendent for Special Services serve as advisors and facilitators to the Committee **passed unanimously.**

Chairman Moon announced that the approval of the nominees was scheduled for October 11, 2012.

- 3.02 School Board Policy 4510, Communication with Employee Organizations –** Adopt Policy 4510. 4, Communication with Employee Organizations, as reviewed and discussed by the Board (SB; presented as new business 9/6/12; Exhibit E)

Mr. Storck moved, and Mrs. Reed seconded, to adopt Policy 4510. 4, Communication with Employee Organizations, as reviewed and discussed by the Board.

Comment that this policy provided the Board with opportunities to formally engage and have valuable on-going communications with its employees.

The motion to adopt Policy 4510. 4, Communication with Employee Organizations, as reviewed and discussed by the Board **passed unanimously.**

- 3.03 Appointment to Audit Committee –** Appoint Ted Velkoff to serve as the third member of the Audit Committee (SB; Exhibit F)

Mrs. Strauss moved, and Ms. McLaughlin seconded, to appoint Ted Velkoff to serve as the third member of the Audit Committee. The motion **passed 11-0:** Ms. Derenak Kaufax, Ms. Evans, Ms. Hynes, Mr. McElveen, Ms. McLaughlin, Mr. Moon, Mrs. Reed, Ms. Schultz, Mrs. Smith, Mr. Storck, and Mrs. Strauss voted “aye”; Mr. Velkoff was not present for the vote.

4. CONSENT AGENDA

- 4.01 Minutes –** Approve the minutes of the September 6, 2012, regular School Board meeting (SB: Exhibit G)
- 4.02 Challenged Materials Interdepartmental Review Committee –** Appoint individuals to serve a one-year term on the Challenged Materials Interdepartmental Review Committee, as detailed in the agenda item (ISD; presented as new business 9/6/12; Exhibit H)

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- 4.03 School Board Policy 2150, Prevention of Alcohol and Other Illegal Drug Use by Students** – Adopt Policy 2150.5, Prevention of Alcohol and Other Illegal Drug Use by Students, as detailed in the agenda item (SB; presented as new business 9/6/12; Exhibit I)
- 4.04 Award of Contract** – Award a contract for the kitchen upgrade project at Bailey's Elementary School to Combined Services, Incorporated, in the amount of \$335,000, and authorize the Division Superintendent, or the Chief Operating Officer, to execute and administer the contract on behalf of the School Board (FTS; presented as new business 9/6/12; Exhibit J)
- 4.05 Award of Contract** – Award a contract for the addition project at Greenbriar East Elementary School to Keller Brothers, Incorporated, in the amount of \$2,835,000, and authorize the Division Superintendent, or the Chief Operating Officer, to execute and administer the contract on behalf of the School Board (FTS; presented as new business 9/6/12; Exhibit K)
- 4.06 Award of Contract** – Award a contract for the addition project at Union Mill Elementary School to J.A. Scheibel Construction, Incorporated, in the amount of \$3,135,000, and authorize the Division Superintendent, or the Chief Operating Officer, to execute and administer the contract on behalf of the School Board (FTS; presented as new business 9/6/12; Exhibit L)
- 4.07 Additional Appointments** – Appoint individuals to serve on committees, as detailed in the agenda item (SB; Exhibit M)

Chairman Moon stated that, without objection, the seven items on the consent agenda would be adopted. Ms. McLaughlin objected to agenda item 4.03, School Board Policy 2150, Prevention of Alcohol and Other Illegal Drug Use by Students, and Chairman Moon called for a vote. The consent agenda was adopted 9-2: Ms. Derenak Kaufax, Ms. Evans, Ms. Hynes, Mr. McElveen, Mr. Moon, Mrs. Reed, Mr. Storck, Mrs. Strauss, and Mr. Velkoff voted "aye"; Ms. McLaughlin and Ms. Schultz voted "nay"; Mrs. Smith was not present for the vote.

5. **NEW BUSINESS**

- 5.01 Fairfax Leadership Academy Charter School Application** – Recommendation that the School Board not accept the Fairfax Leadership Academy Charter School application as submitted unless the issues detailed in the agenda item are satisfactorily resolved by December 1, 2012 (S; public hearing scheduled 10/9/12; work session scheduled 10/15/12; action scheduled 10/25/12; Exhibit N)

Chairman Moon noted that the Board would hear community input on the proposed charter school application at a public hearing scheduled on October 9, 2012; further discussion on the topic was scheduled for a work session on October 15, 2012, and action on October 25, 2012.

Dr. Richard Moniuszko reviewed a PowerPoint presentation that summarized the Fairfax Leadership Academy (FLA) charter school application and the

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recommendations and concerns expressed by the FCPS Charter School Review Committee in its report.

Board members commended staff on its thorough review and report on the FLA charter school application.

- 5.02 Award of Contract** – Recommendation to award a contract for the addition at Lemon Road Elementary School to the lowest responsive and responsible bidder, and authorize the Division Superintendent, or the Chief Operating Officer, to execute and administer the contract on behalf of the School Board (FTS; action scheduled 10/11/12; Exhibit O)

There was no discussion of this item.

- 5.03 Authority to Execute Proffers for Garfield Elementary School** – Recommendation to authorize the Chief Operating Officer and his staff to take all actions necessary to pursue approval of Proffered Condition Amendment Application No. PCA 89-L-008 in conjunction with School Board counsel, and to negotiate, finalize and execute the final Proffers as approved by School Board counsel (FTS; action scheduled 10/11/12; Exhibit P)

There was no discussion of this item.

- 5.04 Fairfax County Purchasing Resolution** – Recommendation to adopt the newly revised 2012 Fairfax County Purchasing Resolution, previously adopted by the Board of Supervisors, subject to the conditions detailed in the agenda item (FS; action scheduled 10/11/12; Exhibit Q)

There was no discussion of this item.

6. SUPERINTENDENT MATTERS

The Superintendent presented informational items.

7. REPORTS (Exhibit R)

September 10, 2012

Governance - Kathy Smith, Committee Chairman

September 10, 2012 - Ilryong Moon and Elizabeth Schultz, Meeting Managers

Budget - Sandy Evans, Committee Chairman

Governance - Dan Storck, Committee Chairman

Special Services

Public Engagement - Tammy Derenak Kaufax, Committee Chairman

Facilities

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Streamline and Focus Ad Hoc Committee - Tammy Derenak Kaufax

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Joint Board of Supervisors and School Board - Ilryong Moon, Chairman

Governance - Dan Storck, Committee Chairman

8. BOARD MATTERS

The Board Members made brief comments.

9. CLOSED MEETING

9.01 Closed Meeting

Mrs. Strauss moved, and Ms. Hynes seconded, that the Board go into closed meeting to 1) discuss and consider disciplinary matters concerning students pursuant to Section 2.2-3711(A)(2) of the Code of Virginia; and 2) consult with legal counsel regarding an individual student disciplinary matter pursuant to Sections 2.2-3711(A)(7) and (2) of the Code of Virginia. The motion **passed unanimously.**

Chairman Moon convened the closed meeting at 11:50 p.m.

9.02 Certification of Closed Meeting Compliance (Exhibit S)

Mr. McElveen moved, and Ms. Schultz seconded, that in order to comply with Section 2.2-3712 (D) of the Code of Virginia, it is necessary for the Board to certify that since the Fairfax County School Board convened a closed meeting on September 20, 2012, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board during the closed meeting. The foregoing also shall be deemed to include the certification of each School Board member who served on a student disciplinary committee that those closed committee meetings are lawfully exempted from open meeting requirements by Section 2.2-3711(A)(2) of the Code of Virginia, and that only student disciplinary matters were heard, discussed, or considered in those closed committee meetings. The motion **passed unanimously.**

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9.03 Confirmation of Action Taken in Closed Meeting

Mrs. Smith moved, and Mrs. Strauss seconded, to expel a student for being adjudicated delinquent of robbery and malicious wounding related to an incident that occurred in the community. The motion **passed 10-0-2**: Ms. Derenak Kaufax, Ms. Evans, Ms. Hynes, Mr. McElveen, Mr. Moon, Mrs. Reed, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mr. Velkoff voted "aye"; Ms. McLaughlin and Ms. Schultz abstained.

Mrs. Strauss moved, and Mrs. Smith seconded, to deny the school reassignment appeal of a student who is charged with an offense relating to Virginia's laws on intentional injury to another person and to confirm the disciplinary decision of the Division Superintendent. The motion **passed 11-0-1**: Ms. Derenak Kaufax, Ms. Evans, Ms. Hynes, Mr. McElveen, Mr. Moon, Mrs. Reed, Ms. Schultz, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mr. Velkoff voted "aye"; Ms. McLaughlin abstained.

Mr. Velkoff moved, and Ms. Hynes seconded, to deny the school reassignment appeal of a student who is charged with an offense relating to Virginia's laws on intentional injury to another person and to confirm the disciplinary decision of the Division Superintendent. The motion **passed 11-0-1**: Ms. Derenak Kaufax, Ms. Evans, Ms. Hynes, Mr. McElveen, Mr. Moon, Mrs. Reed, Ms. Schultz, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mr. Velkoff voted "aye"; Ms. McLaughlin abstained.

Having served as chairman of a three-member committee, along with Mrs. Smith and Mrs. Strauss, Mrs. Reed moved, and Mrs. Smith seconded, to expel a student who participated in a mob assault of a student and assaulted staff members at school. The motion **passed unanimously**.

Ms. Schultz moved, and Ms. McLaughlin seconded, that the Board review the decision letter sent to the attorney discussed in closed meeting and decide whether the Board should ratify the decision. The motion **failed 3-8-1**: Ms. McLaughlin, Mrs. Reed, and Ms. Schultz voted "aye"; Ms. Derenak Kaufax, Ms. Evans, Ms. Hynes, Mr. McElveen, Mr. Moon, Mrs. Smith, Mr. Storck, and Mr. Velkoff voted "nay"; Mrs. Strauss abstained.

10. ADJOURNMENT

The meeting was adjourned at 12:50 a.m.

11. DEBRIEF

The Board did not debrief tonight's meeting.