Note: A full recording of the meeting is on file in the Clerk's Office and on the School Division website.

A Regular Board Meeting of the Albemarle County School Board was held on February 12, 2009 at 6:30 p.m., Lane Auditorium, County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902.

PRESENT: Mr. Stephen Koleszar; Mrs. Barbara Massie Mouly; Mrs. Pamela Moynihan; Mr. Brian Wheeler; Mrs. Diantha McKeel; Mr. Jon Stokes; and Mr. Ronnie Price.

ABSENT: None.

STAFF PRESENT: Dr. Pam Moran, Superintendent; Dr. Bruce Benson, Assistant Superintendent for Student Learning; Mr. Jackson Zimmermann, Executive Director of Fiscal Services; Ms. Annie Kim, Senior Assistant County Attorney; and Mrs. Jennifer Johnston, Clerk.

Call to Order.

At 5:45 p.m., Mr. Wheeler called Albemarle County School Board meeting to order.

Closed Meeting.

At 5:45 p.m., Mr. Price offered a **motion** that the School Board go into Closed Meeting as authorized by the Virginia Freedom of Information Act, section 2.2-3711(A) of the Code of Virginia, under subsection 1 to discuss and consider the assignment and performance of specific administrative employees and the prospective candidates for the positions of Assistant Superintendent for Student Learning, Directors of Elementary and Secondary Education, Lead Instructional Coaches, Instructional Coaches, and the Principal at Western Albemarle High School; subsection 7 to consult with legal counsel and staff concerning pending litigation involving an employment dispute and pending litigation involving a school bus accident. Mrs. McKeel **seconded** the motion, **and the motion passed with Mrs. Mouly absent.**

Agenda Item No. 1. Call Back to Order.

At 6:31 p.m., Mr. Wheeler called the meeting back to order.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Certify Closed Meeting.

Mr. Price offered a **motion** that the Board certify by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the Closed Meeting were heard, discussed, or considered in the Closed Meeting. Mrs. McKeel **seconded** the motion. **Roll was called, and the motion passed by the following recorded votes:**

AYES: Mr. Wheeler; Mrs. Moynihan; Mrs. McKeel; Mr. Price; Mr. Koleszar; Mr. Stokes; and Mrs. Mouly.
NAYS: None.

Motion carried by a 7:0 vote.

Agenda Item No. 4. Agenda.

Mr. Koleszar offered a **motion** to approve the agenda. Mr. Price **seconded** the motion, **and the motion passed unanimously.**

Agenda Item No. 5. Consent Agenda.

- 5A. Minutes: February 26, 2008 Budget Work Session; June 2, 2008 School Board Retreat; August 28, 2008 Regular Work Session; September 11, 2008 Regular Board Meeting; September 25, 2008 Regular Work Session; October 1, 2008 Joint Meeting with the Board of Supervisors; October 9, 2008 Regular Board Meeting; January 26, 2009 Closed Meeting
- 5B. Golden Apple Award Staff Development Stipend FY 08-09
- 5C. Virginia Education Association Grant
- 5D. Wal-Mart Foundation Grant
- 5E. Kids Care Clubs Grant
- 5F. December 2008 Financial Report
- 5G. Donation to Western Albemarle High School
- 5H. Reappropriation of Funds for Tele-Town Hall Meeting

Mr. Koleszar offered a **motion** to approve the consent agenda. Mr. Price **seconded** the motion, **and the motion passed unanimously.**

Agenda Item No. 6. Announcements.

Flu Outbreak: Dr. Benson said the range of absences in the school division was between three to ten percent; however, not all of the absences were due to the flu outbreak. Mr. Koleszar said this could be an opportunity for teaching good health habits to students. Dr. Benson said that flyers regarding the flu and appropriate health habits to escape the flu are being dispersed to the schools.

National Merit Scholarship Finalists: Dr. Benson said that the division announced the 2009 National Merit Scholarship Program finalists with Albemarle County Public Schools having twenty students recognized.

Fine Arts Festival: Dr. Benson reminded the Board of the Fine Arts Festival being held at Fashion Square Mall beginning February 15th at 1:00 p.m. Mr. Wheeler asked if there was going to be a display of student artwork in the county building. Dr. Benson responded yes and it will be revealed at the next Board meeting.

Agenda Item No. 7. Public Comment.

Mr. Jim Cudahy is President of Star Swimming. He spoke of Star Swimming's request for a contribution from Albemarle County to enclose a new pool that will be built at the Fairview Swim Club and why the school division should consider supporting local government's contribution.

Mr. Mike Basile spoke about violence prevention at schools. He noted the anti-bullying procedures that students should do if they are being bullied, from an article in the Albemarle High School's January newsletter. He spoke of the Division telling students not to fight back if they are being bullied and asked the Board to focus on options of not fighting back. He spoke of an R-rated movie that was shown at Albemarle High School.

Mr. Wheeler asked Dr. Moran to follow up on what the procedure is on R-rated movies being shown in the high school level. Dr. Moran said the R-rated movies that are approved must meet the criteria that violent scenes are not shown. She said that staff will follow up and bring the findings back to the Board. Ms. Kim noted that there is a policy under Instruction that permits the viewing of R-rated movies, if it meets all educational criteria and permission from the parents. Mr. Wheeler asked staff to follow up with Mr. Basile also.

Agenda Item No. 8. School Board and Superintendent Business.

Federal Stimulus Package: Dr. Moran noted that staff has been following the federal stimulus package. She said it appears that what has been originally projected as construction funding has been decreased and there has been funding projected for facilities work for charter schools. She added that there was a meeting with Arnie Duncan, Secretary of Education, which included an update of what might be included in the stimulus package for school divisions.

General Assembly Bill: Dr. Moran said that the General Assembly is building bills which will bring in less revenue than the Governor's proposal to Albemarle County.

Local Government Revenues: Dr. Moran informed the Board that local revenues are continuing to trim down which is resulting in less revenue for the school division than what was previously conveyed.

Mr. Koleszar asked if the relief aid to states stay in the package. Dr. Moran said that it appears that there will be aid to states at the federal level.

Electronic School Board (ESB): Dr. Moran noted that the ESB is a Web 3.0 application which means that the Division is moving into cutting edge work regarding technology applications.

School Board Clerk Appreciation Week: Mr. Price offered a **motion** to accept the Resolution of Recognition of School Board Clerk Appreciation Week. Mr. Price read the resolution of appreciation for the clerks. Mr. Koleszar **seconded** the motion, **and the motion passed unanimously**.

Agenda Item No. 9. Proposed Revision of Personnel Policy GCN-R.

Dr. Benson summarized the staff report, which is on file in the School Board Office.

Mrs. Moynihan suggested the gender language be changed from him to him/her. Ms. Kim stated that it can be amended to him/her.

Mr. Koleszar suggested that the item be placed on the next consent agenda for approval. Ms. Kim stated that it could be put on the next consent agenda because there is no urgency to approving the changes.

There was Board consensus for Policy GCN-R to come back on the next consent agenda with the gender language change.

Agenda Item No. 10. Proposed 2009-10 School Calendar.

Dr. Benson summarized the staff report, which is on file in the School Board Office. He recognized the members of the calendar committee.

Mr. Koleszar expressed concern that the calendar has the Division opening schools before the waiver for a Pre-Labor Day opening has been approved by the state. Dr. Benson said the Board needs to approve the calendar before the request for the waiver from the State can be processed. He said based on the information he has received, the Division does qualify for the waiver. Dr. Moran noted that the bill being brought forward to take the King's Dominion law off the books made it out of committee this year for the first time. Mr. Koleszar suggested that the comments on the calendar should be enumerated.

Mrs. Moynihan asked if there will be enough time for students to take the SOL tests. Dr. Benson said that staff is exploring moving the testing window to later in May.

Mrs. McKeel asked if the calendar has differences with Charlottesville City schools' calendar. Dr. Benson responded that it matches the City's calendar. Dr. Moran noted that there were compromises with the City and County on the planning of the calendar. Mrs. McKeel noted the comments from the community referencing that schools should close after SOL testing. There should be a message sent from the Division that schools are not about SOLs. Dr. Moran noted that there is extraordinary teaching going on in the schools after SOL testing is completed. Mrs. Moynihan stated that there has been past discussion on how the teachers should comply with and understand that the students would get detailed enrichment after the SOLs were completed. She expressed concern, based on the comments that have been received, that teachers are not complying or staff is not monitoring the activity at the close of school and suggested that the Superintendent look into the matter. Dr. Moran said that the comments and questions will be taken back to the principals.

Mr. Wheeler asked for clarification on the clock hour requirement. Dr. Benson said the clock hour requirement occurs at 165 days and would require extensive work to make sure that all schools have met the requirement. Mr. Wheeler noted that the request to the Board was to approve the calendar and have direction on the clock hour requirement. Dr. Benson said there was consensus among the committee that the clock hour question would be brought to the Board for consideration. Dr. Moran recommended that the Division stay with the standard operating procedure looking at it as the school year gets closer to the end, then it could be discussed at that time.

Mr. Stokes said parents are looking for definite answers on the last day of school. He added that professional days are important and should not be taken away because of weather; all make-up days should be added at the end of the school year or on a day that is not a professional development day. Dr. Moran stated that the reason that occurs is because teachers have said that putting all of the make-up days at the end of the calendar means losing time in helping students get prepared for testing.

Mrs. Mouly noted the comment from a teacher that said going later at the end of the year could interfere with taking classes at the University of Virginia. It was also commented on by employees stating they could do with fewer professional days and working on their own.

There was Board consensus that the 2009/10 calendar be placed on the next agenda for approval.

Mr. Wheeler commended staff for pulling together the comments on the calendar and suggested capturing the feedback if there are natural groupings. He also suggested capturing the email address of everyone who comments on the calendar so the division could send out a survey to get more information of other drafts. Dr. Moran said that the community did have an opportunity to look at two drafts on the start early/start later with feedback. Dr. Benson said that it began with the start early calendar which resulted in feedback and another calendar was posted based on the feedback from the first calendar. Dr. Moran noted that the calendar is also presented to the Teacher Advisory Committee which represents each of the schools and it is their responsibility to receive feedback. She suggested that a K12 Insight survey be done. Mr. Koleszar said that if the feedback is in response to a different calendar than what was presented to the Board changes the weighing of the calendar presented.

Mrs. McKeel asked if it would be possible that the documents presented to the Board be put on the ElectronicSchoolBoard public screen. Mr. Wheeler said that a presenter could open the attachment for viewing. Mr. Price asked if Mrs. Johnston could remotely open a document from the public view. Mr. Wheeler suggested getting a wireless mouse to allow the Clerk to remotely open attachments.

Agenda Item No. 11. June 2008 Audited Financial Reports.

Mr. Zimmermann summarized the staff report, which is on file in the School Board Office.

Mr. Stokes asked why the fund balance does not appear in the financial report summary page. Mr. Zimmermann said going back to the first page the number that does appear is $1,048,509 which is the revenues versus expenditures and represents the increase in the fund balance. He said that there is an ending adjustment of $1,533 that was not captured in the audit but affects the prior year. Mr. Stokes said the year-to-date amount looks like money was not spent. Mr. Zimmermann explained that it is an accounting issue associated with the use of fund balance; when there is a fund balance it is not actually received which results in year-to-date received revenues and it is not counted as a received revenue but is an authority to expend the fund balance available. Mr. Stokes asked if the use of fund balance is a result of an expense. Mr. Zimmermann said there is an appropriation to go with every revenue and expense. Mr. Stokes asked why the sheet does not show a $5 to $6 million dollar end of year fund balance. Mr. Koleszar noted the reason for page six of the report is because the Board realized that the report did not give an accumulative fund balance which they requested. Dr. Moran noted that the first page of the report is a statement of the 2007/08 school year and does not include any funds that have accrued from a different year. According to State law, school divisions cannot run in the red and need to have the savings in place; the Division is going to have to spend $3 to $4 million dollars from fund balance to assure that does not happen. Mr. Zimmermann stated that it is affected by the millage rate set by the Board of Supervisors as this does affect June collections which in turn affects the current fiscal year.

Mr. Koleszar suggested to make the report more helpful would be to have another section of the report to state what has been budgeted or requested. Mr. Zimmermann stated that it is shown in the December report. Mr. Koleszar said that the number on the December report is anticipated available fund balance being $2,750,000. Mr. Zimmermann said that is exclusive of any possible savings that may be part of the current year.

Mr. Stokes suggested that the fund balance be more visible and clear in the reports. Mrs. McKeel asked that be addressed. Mr. Zimmermann stated that traditionally financial reports are a gauge of financial performance relative to what the appropriating body has provided to staff and the first page of the report is a look at the financial performance relative to what has been appropriated for use during the fiscal year. The fund balance is not available to staff without specific action by the School Board; in order to bring those funds into a financial performance, discussion would require action by the Board. Mr. Stokes asked if fund balance is revenue that can be spent. Mr. Zimmermann said that fund balance is funds that are available to be appropriated by the School Board.

Mr. Koleszar offered a **motion** that the School Board receive the June 30, 2008 year-to-date financial report. Mrs. McKeel **seconded** the motion, **and the motion passed unanimously.** (There was a break from 8:00 p.m. to 8:15 p.m.)

Agenda Item No. 12. Naming Rights Policy.

Ms. Kim provided an overview of the recommended changes to the Naming Rights policy – Policy FA.

Mr. Stokes asked how this policy ties in with the advertising policy. Ms. Kim said that the advertising policy brought to the Board was a Virginia School Boards Association (VSBA) policy and did not relate to the large scale Naming Rights policy. She said that Dr. Hastings is currently reviewing that policy and added that both policies should remain separate.

Mr. Wheeler asked if the naming of the Scottsville library and the entrance road to Albemarle High School would be covered by this policy. Ms. Kim responded that was correct. She noted that there is an exception for small areas where value does not exceed $1,000.

Mr. Stokes asked if schools are able to name parts of their building after an administrator or does it need to come to the School Board. Ms. Kim stated that if it is a place that provides a particular service or if it is used for a specific purpose it needs to come to the Board for approval.

Mr. Wheeler asked for clarification on the naming of the turf fields. Ms. Kim said that would be tied to the life of the field itself. Mrs. Mouly asked if this was in the policy. Ms. Kim responded yes.

There was Board consensus for the Naming Rights policy to come back on the next consent agenda for approval.

Agenda Items No. 13. High School Swimming Discussion.

Dr. Benson summarized the staff report, which is on file in the School Board Office.

Mr. Wheeler noted that the Board has received emails on this item. Mrs. McKeel said that many of the emails referred to the committee that the School Board appointed for this proposal. She wanted it on record that the School Board did not appoint a committee for this proposal.

Mr. Stokes spoke of items coming through the CIP process and said that the high school swimming came up for discussion in the fall with the CIP. It became an area of concern that this would be a potential place where funds could be included in the CIP and was not requested by a particular department. He said that it was discussed that the funds would come through the Parks and Recreation Department. The Board of Supervisors created a task force with the idea of it being beneficial to the competitive swimming at the schools. He stated that it is not the time where the School Board can support this expenditure regardless of the merits of the proposal.

Mr. Wheeler asked if it we were in the middle of the two year cycle when the CIP process occurred in the fall. Mrs. McKeel said that the Oversight Committee was in the second year of the review at the meeting in the fall. The CIP is a two year process with the first year being where projects are screened and put in place; the second year is to tweak the monies and make them balanced for the process of the projects. She said when the question came about asking why the swimming project was being discussed at the second meeting the rationalization was that if it was approved at that time, it would save money. Dr. Moran said that the Board has discussed in the past that unless it is an emergency, fidelity needed to be maintained with policy, procedure, and process related to CIP projects moving forward.

Mr. Koleszar suggested that the Board see quantification on this project saving money. He added that having all the proposals studied in a comprehensive way rather than react to this one proposal makes sense. He asked if there have been swimming coaches and athletic directors stating that this is something that they want and need. Dr. Moran said no, not prior to this being brought forward as a community project. She noted that there are swim teams from other school divisions that practice at the same facilities as Albemarle County students.

Mrs. Mouly appreciates staff's recommendation of going through the normal process which is more orderly and gives a grid for comparing projects and prioritizing them. She noted that there have been prior concerns on funding a private facility as opposed to a public facility. She asked if the school division has considered working with local government on swimming for physical education instruction with a wider group of students. Dr. Moran said there was discussion on the selling points of the YMCA becoming a site where school divisions can target a grade level for the opportunity to swim as part of the PE curriculum.

Mr. Price said that it needs to go through the process and it should be beneficial to all students.

Mrs. Moynihan noted the survey that was done with the community on what programming spaces they would be willing to support with tax dollars and competitive swimming was very low on the list. It said that the community would rather have a family oriented swimming center rather than competitive swimming. It has been made clear in the past that the school division does not get involved in a private concern.

Mr. Wheeler said that he spoke with Mr. Dave Phillips from the Fairview project and suggested that his request for public dollars going to a private facility be brought to the Board of Supervisors and that is what led it to the Board of Supervisors and back to the CIP Oversight committee. He said the School Board supports competitive swimming in the schools.

Mr. Koleszar suggested that a memo be sent to the Board of Supervisors stating that the School Board is not requesting competitive swimming, and swimming facilities for the county should go through the CIP process. The letter should then be placed on the next consent agenda for approval. Mrs. Mouly asked if it is timely for what the Board of Supervisors needs for the school division. Mr. Wheeler said that his recollection is that the Board of Supervisors needed to hear something by March.

Mr. Wheeler asked if all of the competitive swimming proposals were looked in the same manner. Mr. Stokes said that there was a task force created by the Board of Supervisors to look at all of the proposals; what that task force recommended was the Star proposal.

Mr. Stokes suggested the memo state that the School Board is not requesting that the capital budget include a request for upgrading swimming facilities for the benefit of the school division.

There was Board consensus for staff to draft a letter for Mr. Wheeler and place it on the next consent agenda for approval.

Agenda Item No. 14. Future Work Session Discussion.

Mr. Wheeler provided an overview of the staff report, which is on file in the School Board Office.

There was Board discussion to determine the schedule of work session topics for 2009. It was noted that there was Board interest in discussing middle schools and the achievement gap.

Mr. Wheeler suggested the following: Distance Learning in March; SPQA/Baldrige in April; and Goal, Priorities, and Metrics in May.

Mr. Stokes said that Distance Learning can be discussed in March, but the conclusion will not occur until the fall. Mr. Koleszar said that if the division needs to make more budget cuts it may have to be with Distant Learning which makes it more pertinent.

There was Board consensus for the Distance Learning work session to be in March, the SPQA/Baldrige work session in April, and there will be another discussion for the work sessions for the rest of the year.

Agenda Item No. 15. Other Business by Board Members/Superintendent.

Policy IIAA: Mr. Stokes asked for clarification on the policy involving movies being shown in the classroom and when it was last reviewed. Ms. Kim stated that Policy IIAA was adopted June 22, 2006. Dr. Moran said that it has been made clear that the workings in school are to be a learning experience. She said that in the past the Board had been focused on the use of entertainment movies in school being used inappropriately; the process has been tightened more intensively and the principals are intoned to it. When a movie is being used it has to be a purposeful part of a learning experience. She said that her expectation is that it is being monitored and implemented in such a way that it is part of a bigger learning objective.

Mr. Koleszar is concerned that complaints from a few parents could interfere with learning opportunities for the bulk of the students. Parents and students have the right to opt out of an activity that they are uncomfortable with. He added that video literacy is a critical skill for the 21st century. Mr. Stokes said that there are plenty of video learning opportunities that do not involve R-rated Hollywood movies. Mr. Koleszar said for students to interpret and understand what is being impacted they need to watch Hollywood movies. It allows students to understand and analyze it without being swept up in it. Dr. Moran said that it has to be judicially used and well supervised.

Mrs. Moynihan noted that the School Board has not approved using Hollywood movies in the curriculum. Dr. Moran stated that the Board does not approve every learning resource in the schools which is specified in policy. She added that the adopted materials are purchased with adoption monies but schools purchase a lot of learning resources that are consistent with curriculum, which according to policy teachers have to review. Mrs. Moynihan asked if having the students watch Hollywood movies is justification for them to differentiate between fact and fiction. Mr. Price said that each situation has to be looked at differently based on the merits of the situation.

Dr. Benson said that he spoke to Dr. Haas about the concern mentioned in public comment and he was assured that the use of the material in question was consistent with policy.

Virginia Early Retirement Incentive Program (VERIP): Dr. Moran noted that there has been discussion on extending the application date for VERIP. Dr. Benson stated the Board could allow the Superintendent to make that determination or there could be an amendment to the policy to adjust the date which would give a more consistent application in that it would be documented as a change to policy. He said that staff wanted to make the Board aware of what is being considered. Ms. Kim stated that the Board could grant the Superintendent discretion to give some exceptions but she suggested the Board do that by making a formal policy amendment. She added that the clarity on the State’s early retirement bill may not be available until March.

There was Board consensus for the VERIP policy to come back to the Board with the amendment for approval.

VSBA Central Regional Forum: Mr. Wheeler stated that VSBA is holding its Central Regional Forum at Eastview High School.

NAACP Founder's Day Celebration: Mr. Wheeler announced that the NAACP Founder's Day 100 Year Celebration will be held a Burley Middle School on Sunday beginning at 4:00 p.m.

Agenda Item No. 16. Closed Meeting. None.
Agenda Item No. 17. Certify Closed Meeting. None.

Agenda Item No 18. Adjournment.

At 9:33 p.m., Mr. Koleszar offered a **motion** to adjourn the meeting of the Albemarle County School Board. Mrs. Moynihan **seconded** the motion, **and the motion passed unanimously.**

Chairman

Clerk