

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

COALITION FOR TJ,

Plaintiff,

V.

FAIRFAX COUNTY SCHOOL BOARD,
and DR. SCOTT BRABRAND, in his
official capacity as Superintendent of the
Fairfax County School Board,

Defendants.

Civil No. 1:21-cv-00296-CMH-JFA

**BRIEF IN OPPOSITION TO
PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

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INTRODUCTION

If the Court were to grant the preliminary injunction that plaintiff wants, it would throw into chaos the admissions process that is currently underway for the incoming freshman class at the Thomas Jefferson High School for Science and Technology (TJ). It is too late to start the admissions process over again in time to select the freshman class before school starts on August 23, 2021, a simple fact that the Fairfax County Circuit Court recognized months ago when it denied a similar preliminary-injunction motion brought by fourteen of the plaintiff's members.

Now, nearly four months later, the TJ admissions office is on the cusp of finalizing its work and informing students and their families of admissions decisions. Nearly 3,500 students from 130 schools have applied. They have done everything asked of them. A preliminary injunction would scuttle that process and force students and admissions staff to start over. Two of the standardized tests that plaintiff wants restored, providing science and reading assessments, will not be offered again by the vendor before September. And requiring the third test, the Quant-Q, which measures only math skills, would delay admissions until mid-September at the earliest, well after the school year begins.

In requesting that plainly impractical result, plaintiff Coalition for TJ cannot satisfy *any* of the four *Winter* factors, let alone all four of them. First, the Coalition is not likely to succeed on the merits. To the contrary, as shown in the School Board's pending Rule 12(b) motion, the Coalition lacks associational standing and has failed to state a claim for an Equal Protection Clause violation. Second, the Coalition has not shown that it will suffer imminent, irreparable harm. Indeed, without a viable constitutional claim, it faces no harm at all. Nor has the Coalition shown "imminent" harm. Only one of the children of its three declarants is currently applying to TJ, and the Coalition has not shown that she will likely be denied admission. Third, the balance of hardship tips against preliminary injunctive relief. An injunction would not only

double the work of TJ's admissions staff but also disrupt the expectations of the nearly 3,500 students and their families who would have to reapply and who would not find out if they're admitted until September. Fourth, the public interest disfavors disrupting the settled expectations of students, families, and school staff. And if that were not enough, the doctrine of laches precludes the equitable relief sought here because the Coalition delayed inexcusably in moving for injunctive relief, holding back for months as the admissions process unfolded.

STATEMENT OF FACTS

The School Board will not repeat the basic facts set forth in its opening brief last week in support of its motion to dismiss. ECF No. 22. But several misstatements in the Coalition's opening brief require correction.

A. The Coalition omits and misstates key facts.

1. The TJ Admissions Policy is race-neutral and specifically prohibits racial balancing and racial targets.

Although the Coalition claims that the School Board revised the admissions policy "to racially balance the student body at TJ," Compl. ¶ 44, the Coalition fails to mention a key fact: the policy itself specifically prohibits racial balancing and racial targets. It provides: "The admission process must use only *race-neutral methods* that do *not seek to achieve any specific racial or ethnic mix, balance, or targets.*" Ex. 1, Minutes of 12/17/2021 Meeting at 4 (emphasis added). It is difficult to understand how the Coalition could have overlooked this point.

The Coalition concedes, at least, that the TJ admissions policy is "facially race-neutral." Compl. ¶ 63. To be eligible for admission, students must have a minimum 3.5 GPA (up from 3.0 under the previous policy) and must have taken threshold-level math and science courses. Ex. 2, Shughart Decl. Ex. B, Reg. 3355.14.V.A.1.b. Under the top-1.5% plan, approximately 450 of the 550 seats at TJ are allocated to eligible students who wish to attend and who are in the top

1.5% of students at their public middle school. Ex. 2, Shughart Decl. ¶¶ 10(d), 11 & Ex. B, Reg. 3355.14.V.A.5.b. The remaining 100 seats are open to private-school and home-schooled students, as well as eligible public-school students who ranked below the top 1.5% of applicants from their middle school. Ex. 2, Shughart Decl. ¶ 10(d).

The “selection criteria” have no place for considering race or ethnicity. *See id.* Ex. B, Reg. 3355.14.V.A.2–3. The criteria include assessment of the student’s aptitude for successful STEM studies (science, technology, engineering and math); record of academic achievement; academic commitment and passion; qualities that “enrich and cultivate diversity to enhance the learning experience for all students”; and having overcome “educational challenges,” such as learning English as a second language or coming from an “economically disadvantaged” background. *Id.* Enrollment in “a historically underrepresented public middle school” is also a plus factor, though “underrepresented” is defined solely by historical attendance patterns. Reg. 3355.14.V.A.3.a.3.

The Coalition claims that some of these factors are “subjective” and “subject to bias.” Verma Decl. ¶ 12 (ECF No. 16-3). The Coalition implies that some of them might be used to smuggle in racial considerations. But that prospect is doubly foreclosed.

First, as already noted, the policy itself commands staff to “use only race-neutral methods.” Ex. 1 at 4. The Court should reject the insinuation that admissions evaluators would disobey that directive. “An administrative decisionmaker ‘[is] entitled to a “presumption of honesty and integrity.”’” *Prof’l Massage Training Ctr., Inc. v. Accreditation All. of Career Sch. & Colls.*, 781 F.3d 161, 178 (4th Cir. 2015) (quoting *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). To overcome that presumption, a plaintiff must present “a strong showing of bad faith or improper behavior.” *Id.* at 177–78 (quoting *Citizens to Preserve Overton Park, Inc. v. Volpe*,

401 U.S. 402, 420 (1971), *abrogated on other grounds by Califano v. Sanders*, 430 U.S. 99 (1977)). The Coalition offers no evidence of bad faith here.

Second, FCPS staff have ensured compliance with the School Board’s command by preventing admissions evaluators from knowing the race or ethnicity of 8th-grade applicants:

Candidate name, race, ethnicity, or sex collected on the application form *will not be provided to admissions evaluators*. Each applicant will be identified to the evaluators *only* by an applicant number (student ID number for FCPS students; applicant ID number for non-FCPS students).

Ex. 2, Shughart Decl. Ex. B, Reg. 3355.14.V.A.3.b (emphasis added). TJ’s Director of Admissions attests that he has “ensured that the admissions process is following” the School Board’s race-blind admissions requirements. Ex. 2, Shughart Decl. ¶ 14.

2. The top-1.5% plan does not cap admissions from any middle school.

The Coalition repeatedly reveals its misunderstanding that the top-1.5% plan somehow operates as a cap or a ceiling on the number of students who will be admitted to TJ from each public middle school. The Coalition worries that a cap would disproportionately harm applicants from schools with higher concentrations of Asian-American students. *See* Coal. PI Br. 10 (asserting that Carson Middle School will be capped at a “*maximum* of approximately 12 seats at TJ); *id.* at 24 (assuming similar caps at Kilmer, Longfellow, and Rocky Run).

But there is no such cap or ceiling. Rather, as TJ’s admissions director explains, the top-1.5% plan operates at best as a floor, leaving ample room for qualified applicants to be admitted even if they rank below the top 1.5% of students from their particular middle school:

The top-1.5% plan operates at most as a floor on the number of eligible students who may be admitted from each public middle school. All remaining eligible applicants will be considered for admission even after their middle school’s allocated seats have been filled. As noted above, there will be at least 100 other, unallocated seats available for such students. In addition, the number of unallocated seats will increase beyond that number to the extent that

the allocated seats for the top 1.5% of students from each public middle school go unfilled.

Ex. 2, Shughart Decl. ¶ 11.

3. The Coalition’s citations do not show that School Board members or the Superintendent intentionally discriminated against Asian Americans.

The Coalition’s opening brief does not add any additional factual material to what the complaint asserted as evidence of supposed intentional discrimination against Asian Americans. The School Board showed in its Rule 12(b) brief (and Exhibit A to the Declaration of Cynthia Smoot, ECF No. 22-4) that none of the statements by Division Superintendent Brabrand or by any School Board member supports the Coalition’s intentional-discrimination claim. At most, the excerpts show that the Superintendent and five of the twelve School Board members were hopeful that the admissions policy changes would eliminate barriers to entry that would improve equity and increase the number of historically underrepresented Black and Hispanic students at TJ. *See* FCSB 12(b) Br. at 2–6 & Ex. 4, Smoot Decl. Ex. A at 1–6 (ECF No. 22, 22-4).

The only thing new in the Coalition’s preliminary-injunction brief are the three declarations that say, in a conclusory fashion, that each declarant “believe[s]” that the revised policy “discriminates against Asian-American applicants,” Akella Decl. ¶ 7; McCaskill Decl. ¶ 7, or “will discriminate” in the future, Verma Decl. ¶ 7. None of the declarations sets forth any factual basis for the declarant’s stated belief.

4. The Coalition provides an unreliable estimate of the likely effect that the current admissions policy will have on the percentage of Asian-American students at TJ.

The complaint notes that the Superintendent had projected the likely demographic effects of the merit “lottery” proposal that he had previously recommended as one option to the School Board. Compl. ¶ 31; Coal. PI Br. 4–5. But the School Board did not adopt that plan. Ex. 2,

Shughart Decl. ¶ 10(c)–(d). Notably, FCPS staff has not conducted “any analysis to predict how the top-1.5% plan would affect the racial makeup of students admitted to TJ under the new admissions process.” *Id.* ¶ 10(e).

The Coalition does not address the appropriate methodology for determining whether the new admissions policy will have a statistically significant, adverse disparate impact on Asian-American students. It simply assumes that the relevant comparison is the percentage of Asian-Americans admitted to TJ under the new plan compared to last year’s freshman class. The Coalition then predicts that the new plan will cause a 42% “drop” in the percentage of Asian-American students admitted to TJ compared to last year, from “73% Asian-American” to “approximately 31%.” Coal. PI Br. 12. As noted above the Coalition’s estimate is inherently flawed because it incorrectly assumes that the top-1.5% plan operates as a cap (rather than a floor) on the number of students who could be admitted from each public middle school. Moreover, the declaration by Himanshu Verma, ECF No. 16-3, does not explain the calculation or show his work. He simply concludes: “Ultimately, we estimated that the TJ admissions policy changes *could* result in a 42% decrease in the number of Asian-American students offered admission to TJ in the Class of 2025.” Verma Decl. ¶ 19 (emphasis added).

B. The Coalition omits that 14 of its members were denied a preliminary injunction nearly four months ago.

As noted in the School Board’s motion-to-dismiss brief, 14 of the Coalition’s members are among the 34 plaintiffs in a lawsuit in Fairfax County Circuit Court that seeks to invalidate the current TJ admissions policy on different, State-law grounds. *See* First Am. Compl., *K.C. v. Fairfax Cty. Sch. Bd.*, No. 2020-17283 (Jan. 7, 2021) (ECF No. 22-3); FCSB 12(b) Br. 7–8. The lead plaintiff in that case, “K.C.,” is the daughter of Hanning Chen, one of the parents named as a Coalition member in this case. Compl. ¶ 13. None of the plaintiffs in *K.C.* claimed that the

School Board enacted the new admissions policy for TJ in order to discriminate against Asian-American students. That omission is conspicuous, as the plaintiffs there included a different type of “equal protection” claim. They asserted that the new policy discriminates between public and private school students, allegedly in violation of “the protections of the Virginia constitution with respect to equal protection.” *K.C. First Am. Compl.* ¶ 103.

After conducting a one-day evidentiary hearing on January 26, 2021, the Fairfax Circuit Court denied the *K.C.* plaintiffs’ preliminary-injunction motion, concluding that they were unlikely to prevail on the merits and that the public interest disfavored disrupting the admissions process already underway for the upcoming school year. *K.C. v. Fairfax Cty. Sch. Bd.*, No. 2020-17283, 2021 Va. Cir. LEXIS 32, at *28 (Fairfax Feb. 2, 2021). The court noted that “it would be difficult if not impossible to restore the testing” in time. *Id.* The *K.C.* plaintiffs did not seek interlocutory review of that ruling in the Supreme Court of Virginia. *See* Va. Code Ann. § 8.01-626 (2015). Nor did they seek to amend the complaint to add the race-discrimination claim presented here.

Instead, the Coalition filed this action on March 10, 2021, more than a month later. Six weeks after that, on April 22, the Coalition moved for the preliminary injunction sought here.

C. It is too late in the admissions cycle to revert to the previous admissions policy.

The application process for admission to TJ for the upcoming school year is even further along now than when the circuit court denied the *K.C.* plaintiffs’ preliminary-injunction request on February 2. The application window for TJ opened on February 1 and closed on February 26. Ex. 2, Shughart Decl. ¶ 10(f). Nearly 3,500 students from 130 different schools have applied, a significant increase in the number of applicants compared to prior years. *Id.* ¶ 13. Those

students took the qualitative assessment on March 15 (or on the makeup date, April 12). *Id.* ¶ 10(g).

TJ admissions evaluators began their review process on May 3, 2021 and are expected to finish by May 28, and the admissions office plans to notify students of decisions in June. *Id.* ¶¶ 10(g), 20. This intensive operation requires 85 admissions evaluators to work some 3,400 hours, including on weekends. *Id.* ¶ 20.

It is not possible at this late date to restore the standardized-testing component of the prior admissions policy before the new school year starts on August 23, 2021. *Id.* ¶¶ 15–16. The prior testing component consisted of three different examinations from two exam vendors: the ACT Aspire Reading, the ACT Aspire Science, and the Quant-Q examination (a mathematics assessment). *Id.* ¶ 6. The two ACT Aspire examinations are offered by the vendor only during specified testing windows during the year. *Id.* ¶ 8(b). The last remaining ACT Aspire testing window before school starts will close on May 21; the deadline was April 9 for students to enroll to take the exams; and the deadline was April 16 for FCPS to have ordered the exams. *Id.* ¶ 16. While the Quant-Q exam is not limited by the vendor’s testing window, it could not be offered by FCPS until mid-July at the earliest, *id.* ¶ 17(b), at a cost of approximately \$72,000, *id.* ¶ 17(a).

Moreover, enjoining FCPS to restore the previous admissions policy would require restarting the admissions process. Because the School Board raised the required GPA cutoff from 3.0 to 3.5, the application window would have to be reopened for those students whose grades made them eligible under the previous policy but ineligible under the current one. *Id.* ¶ 15. Applicants would have to pay the \$100 application fee that was previously required (or apply for a hardship waiver). *Id.* ¶ 19. They would also have to line up two teacher-recommendation letters that were required under the old policy but not the current one. *Id.* Once

the current school year ends in June, however, it could be difficult for students to obtain those recommendations from teachers who are not employed on year-long contracts. *Id.*

The delay caused by starting the application process over again would prevent the admissions office from determining and announcing TJ-admissions decisions until mid-September at the earliest, well after the 2021-22 school year begins on August 23, 2021. *Id.* ¶ 17(b).

ARGUMENT

A preliminary injunction is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Id.* at 20; *Real Truth About Obama, Inc. v. FEC*, 575 F.3d 342, 345-47 (4th Cir. 2009) (same), *vacated on other grounds*, 559 U.S. 1089 (2010), *reinstated in relevant part*, 607 F.3d 355 (4th Cir. 2010).

As the Fourth Circuit has repeatedly recognized, *Winter* effectively “abrogated” the prior law in this Circuit—“the *Blackwelder* test”—which had “balanced various factors” and permitted a stronger showing of irreparable harm to justify a weaker likelihood-of-success showing, and vice versa. *E.g., Henderson v. Bluefield Hosp. Co., LLC*, 902 F.3d 432, 438 n.* (4th Cir. 2018); *see Real Truth*, 575 F.3d at 346–47. A plaintiff now must satisfy “each” of the four elements “as articulated” in *Winter*. *Real Truth*, 575 F.3d at 347. Failing any one of them is fatal to the motion. *Watson v. Clarke*, No. 1:14CV1315 (GBL/MSN), 2015 WL 11110839, *3 (E.D. Va. June 2, 2015) (Hilton, J.).

The Coalition cannot satisfy *any* of the *Winter* requirements, let alone all four of them. It is also guilty of laches because it failed to move for injunctive relief earlier, waiting until the admissions process is nearly finished before asking that it be stopped and restarted.

I. The Coalition is unlikely to succeed on the merits.

Not only is the Coalition unlikely to succeed on the merits, but as the School Board has shown in its motion to dismiss, the complaint should be dismissed in its entirety.

A. The Coalition lacks associational standing.

The Coalition’s preliminary-injunction papers do nothing to show that the Coalition is a traditional membership association or its functional equivalent. *See* FCSB 12(b) Br. at 10–15. Notably, none of the three declarants shines any light on what Coalition “membership” means, how its leaders are chosen, who those leaders are, or how the Coalition’s 5,000 members control the Coalition’s decisions. Of the Coalition’s three declarants, only one has a child in 8th-grade who is applying for admission to TJ. *See* McCaskill Decl. ¶¶ 4, 6 (ECF No. 16-2). The other two have students in either 6th grade, Verma Decl. ¶ 3 (ECF No. 16-3), or 7th grade, Akella Decl. ¶ 4 (ECF No. 16-1), who are not even eligible to apply to TJ for another year or two.

B. The complaint fails to state a claim for intentional discrimination against Asian Americans.

When, as here, the plaintiff claims that a facially race-neutral admissions policy discriminates against Asian Americans, the plaintiff must show *both* that the admissions policy will have a disparate impact on Asian-American students *and* that the School Board adopted the policy specifically to harm Asian Americans. *See* FCSB 12(b) Br. 18–23 (ECF No. 22). As Judge Trenga recently put it—in a case the Coalition fails to mention—“[s]trict scrutiny . . . is . . . not warranted unless there have been alleged facts that make plausible that the [policy] has a disproportionate impact on Asian students, coupled with a discriminatory intent.” *Boyapati v.*

Loudoun Cty. Sch. Bd., No. 1:20-cv-01075 (AJT/IDD), 2021 WL 943112, at *8 (E.D. Va. Feb. 19, 2021) (Trenga, J.).

The Coalition is not likely to succeed on either prong of that claim.

1. The Coalition has not shown that the admissions policy will have an adverse disparate impact on Asian Americans.

To start, the Coalition has not shown that the admissions policy will disproportionately disadvantage Asian-American students. The School Board's motion to dismiss under Rule 12(b)(6) *assumes* the disparate-impact claim to be true. It makes no difference to the legal outcome because, even assuming a disparate impact, the complaint fails to plead facts that plausibly allege that the School Board acted *intentionally* to harm Asian-American students. *See* FCSB 12(b) Br. 24–29 (ECF No. 22); *accord Boyapati*, 2021 WL 943112, at *8 (assuming that Loudoun's geography-based admissions policy would decrease Asian-American enrollment but finding no plausible allegation of intentional discrimination). On this *preliminary-injunction* motion, by contrast, the *Coalition* bears the burden to prove that the admissions plan will disproportionately harm Asian Americans.

The Coalition cannot carry that burden here by relying on the declaration of Himanshu Verma. *See* ECF No. 16-3. Verma recites that “we estimated that the TJ admissions policy changes *could* result in a 42% decrease in the number of Asian-American students offered admission to TJ in the Class of 2025.” *Id.* ¶ 19 (emphasis added).

But the Coalition's position is both methodologically flawed and deficient in proof.

The methodological flaw is the Coalition's failure to plausibly articulate *how* the School Board's race-neutral admissions policy could disproportionately harm Asian Americans. “[A] disparate-impact claim that relies on a statistical disparity must fail if the plaintiff cannot point to a defendant's policy or policies causing that disparity.” *Tex. Dep't of Hous. & Cmty. Affairs v.*

Inclusive Cmtys. Project, Inc., 576 U.S. 519, 542 (2015). That “robust causality requirement ensures that ‘[r]acial imbalance . . . does not, without more, establish a prima facie case of disparate impact.’” *Id.* (citation omitted). In other words, the plaintiff must “‘demonstrate that the disparity they complain of is the result of one or more of the [] practices that they are attacking . . . , specifically showing that each challenged practice has a significantly disparate impact’ on the protected class.” *Reyes v. Waples Mobile Home Park LP*, 903 F.3d 415, 425 (4th Cir. 2018) (citation omitted).

For instance, to claim that the new TJ admissions policy will have a disparate adverse impact on Asian Americans, the Coalition would have to show that Asian-American students are less likely than other students to be in the top 1.5% of their middle school classes. Or less likely to have GPAs of 3.5 or higher. Yet the Coalition articulates no such theory here, let alone statistical evidence to back it up. That is fatal to its disparate-impact claim, since “[a] plaintiff who fails to allege facts at the pleading stage or produce statistical evidence demonstrating a causal connection cannot make out a prima facie case of disparate impact.” *Inclusive Cmtys.*, 576 U.S. at 543.

The First Circuit pointed out a similar methodological flaw in *Boston Parents Coalition*. The Asian-American parent coalition there claimed that a zip code-based student assignment plan for Boston’s exam schools would disproportionately burden Asian Americans by reducing their numbers compared to the prior year’s class. But the Court of Appeals found that approach “doubly problematic for plaintiff.” *Bos. Parent Coal. for Acad. Excellence Corp. v. Sch. Comm. of Bos.*, No. 21-1303, 2021 WL 1656225, *5 (1st Cir. Apr. 28, 2021). “First, as compared to a random distribution of invitations, the Plan has no adverse disparate impact on White and Asian students.” *Id.* The plaintiff “offer[ed] no analysis or argument for why” the comparison to last

year's class, "rather than a plan based on random selection, [is] apt for purposes of determining adverse disparate impact." *Id.* And second, the plaintiff had "no evidence" that the projected decrease in the representation of Asian Americans was "statistically significant." *Id.* The Coalition's argument here suffers from those same flaws.

Even if disparate impact could be measured by comparing the percentage of Asian Americans admitted to TJ under the new policy with the percentage in last year's freshman class, Verma's declaration comes up short. Verma does not show that he is "qualified as an expert," Fed. R. Evid. 702, to predict that the percentage of Asian Americans admitted under the top-1.5% plan will drop by 42%. Nor does he identify the "we" who supposedly came up with that prediction. Those deficiencies alone render his declaration unreliable.

More importantly, Verma does not show his work. Even the opinion of an otherwise qualified expert would be excluded when, as here, it fails to set forth the factual basis for the analysis and is merely "the *ipse dixit* of the expert." *Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 146 (1997). Verma himself appears unsure about the 42% figure. The furthest he ventures is to speculate that the changes "could" reduce Asian-American enrollment by that much. Verma Decl. ¶ 19. He does not offer that opinion to a reasonable degree of professional certainty.

Verma's projection is also defective in light of the Coalition's factual misunderstanding that the top-1.5% plan operates as a cap or a ceiling on admissions from each middle school. The Coalition assumed that such a cap would harm Asian-American students concentrated in the upper ranks of "the four middle schools that in recent years have sent the most students to TJ." Coal. PI Br. 10. But that premise is wrong. The 1.5% plan operates "at most" as a "floor" to ensure admission of the top 1.5% of eligible students from each public middle school. Ex. 2, Shughart Decl. ¶ 11. At least 100 of the 550 seats in the freshman class at TJ are available to be

filled by the remaining top-ranked students in the applicant pool, including students ranked below the top 1.5% at their particular middle schools. *Id.* And the number of unallocated seats available to those applicants will only increase to the extent that the seats allocated to each middle school go unfilled. *Id.* In short, the Coalition’s flawed factual assumption of a 1.5% cap renders Verma’s projections speculative, unreliable, and inadmissible. *E.g., Tyger Constr. Co. v. Pensacola Constr. Co.*, 29 F.3d 137, 142 (4th Cir. 1994) (holding that trial court abused its discretion in admitting testimony of expert whose testimony was based on demonstrably false factual assumption).

2. The Coalition has no evidence of intentional discrimination against Asian Americans.

Even assuming for argument’s sake that the new admissions policy will have an adverse disparate impact on Asian-American students, the Coalition has failed to show that the School Board adopted the policy to “intentionally harm[] Asian-American students.” Compl. ¶ 62. The School Board demonstrated in its motion-to-dismiss brief that the complaint fails to show that *any* member of the School Board voted to change the admissions policy to harm Asian Americans. *See* FCSB 12(b) Br. 2–7, 25–29 (ECF No. 22) & Ex. 4, Smoot Decl. Ex. A (table showing actual statements by the Superintendent and School Board members) (ECF No. 22-4).

The only new evidence offered by the Coalition for this motion are inadmissible statements from three parents who say they “believe” that the revised admissions policy “discriminates against Asian-American applicants,” Akella Decl. ¶ 7; McCaskill Decl. ¶ 7, or “will discriminate” against their child “when she applies” in two years, Verma Decl. ¶ 7. But a party’s “self-serving statements without any corroborating evidence are not sufficient to establish a *prima facie* case of discrimination.” *Sanders v. Bernhardt*, No. 1:19-cv-712, 2020 WL 6323731, at *3 (E.D. Va. Oct. 28, 2020) (Hilton, J.) (following *Mackey v. Shalala*, 360 F.3d 463,

469 (4th Cir. 2004)); *CTB, Inc. v. Hog Slat, Inc.*, 954 F.3d 647, 658 (4th Cir. 2020) (same). That has long been the rule in this Circuit. *E.g.*, *Williams v. Giant Food Inc.*, 370 F.3d 423, 433 (4th Cir. 2004) (“[A] self-serving opinion . . . cannot, absent objective corroboration, defeat summary judgment.”).

The Coalition cannot rescue its intentional-discrimination claim by contending that the School Board voted to eliminate the standardized-testing requirement using an “unusual process,” voting for that change at a “work session” on October 6. Coal. PI Br. 16. The Coalition finds inspiration for this argument in *Arlington Heights*, where the Court said that “[d]epartures from the normal procedural sequence . . . *might* afford evidence that improper purposes are playing a role.” *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 267 (1977) (emphasis added). But “*might* afford evidence” is a long way from “*provides* evidence.” The gulf between those concepts here is too wide for the Coalition to bridge.

From the start, the Coalition’s legal premises are all wrong. Nothing in any School Board policy or in Virginia’s open-meeting laws—part of the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700 to 2.2-3715 (2017 & Supp. 2020)—*precludes* a school board from voting on public business at a “work session.” Virginia law makes clear that a school board may vote on public business at *any* public meeting, as long as a quorum is present. *See* Va. Code Ann. § 2.2-3707 (Supp. 2020);¹ Va. Code Ann. § 22.1-73 (2016). The Coalition’s failure to cite any authority for its contrary position confirms that it has none.

¹ The predecessor statute to § 2.2-3707 included in the definition of “public meetings” any “work sessions during which no votes are cast or any decisions made,” but the legislature deleted that “work session” language more than 20 years ago. *See* 1999 Va. Acts ch. 696, § 2.1-343(A). In other words, § 2.2-3707 recognizes no difference between a “work session” and any other public meeting where public business is transacted.

The Coalition is likewise mistaken that the School Board had to take public comment before voting to eliminate the standardized-testing requirement. Coal. PI Br. 17. Such matters are not among the narrow category of school-board actions for which Virginia law requires a prior public hearing. *See* Va. Code Ann. § 22.1-79(8) (Supp. 2020) (requiring school boards to conduct a prior public hearing only before voting to consolidate school divisions, to undertake major private outsourcing, or to adjust attendance zones affecting 15% or more of the pupil population).

Even assuming for argument's sake that voting at a work session is atypical, it does not support jumping to the conclusion that the School Board did it to harm Asian Americans. As the Coalition itself points out, students were scheduled to take the standardized tests just a few weeks later. The October 6 vote occurred “just one month before [testing] was scheduled to take place in November 2020.” Coal. PI Br. 5; Ex. 2, Shughart Decl. ¶¶ 8(b), 10(b). The more plausible explanation for the timing is that the School Board wanted to give families and staff sufficient time to change their plans in advance of the testing, which would have otherwise required students to enroll weeks before and would have required school staff to order the exams weeks in advance. *E.g.*, Ex. 2, Shughart Decl. ¶ 10(b) (explaining that the October 6 decision “enabled us to forgo arranging” for November testing); *id.* ¶ 16 (describing requirements for students to register and for FCPS staff to order exam materials). “As between that ‘obvious alternative explanation’ . . . and the purposeful, invidious discrimination [plaintiff] asks us to infer, discrimination is not a plausible conclusion.” *Ashcroft v. Iqbal*, 556 U.S. 662, 682 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 567 (2007)).

II. The Coalition has not shown it is likely to suffer imminent, irreparable harm.

Winter's second element requires the Coalition to show it is “likely to suffer irreparable harm” without an injunction. 555 U.S. at 20. The injury must be “neither remote nor

speculative, but actual and imminent.” *GEP Interactive Inc. v. Exhibition 4You GmbH*, No. 2:20-cv-440, 2020 WL 6379511, *5 (E.D. Va. Sept. 15, 2020) (quoting *Mtn. Valley Pipeline, LLC v. 6.56 Acres of Land*, 915 F. 3d 197, 216 (4th Cir.), *cert. denied*, 140 S. Ct. 300 (2019)).

Those elements are not satisfied here.

First, the Coalition’s claim of “irreparable” harm depends entirely on its claim that the admissions policy is unconstitutional. Plaintiff “cannot suffer irreparable harm . . . without this clear showing.” *Id.* Because the Coalition has not come forward with facts plausibly showing the School Board adopted the current admissions policy to discriminate against Asian Americans, the policy is not unconstitutional and threatens no irreparable harm.

Second, the Coalition does not claim any irreparable harm to *itself*, only to its “members’ children.” Coal. PI Br. 23. It is not clear whether its *members’* alleged harms even qualify as irreparable harm for the association. In a similar case, the Second Circuit in *Christa McAuliffe* affirmed the dismissal of the request for preliminary injunctive relief, explaining that the association plaintiff there did “not have standing to assert claims under 42 U.S.C. § 1983 on behalf of their members” given long-standing Second Circuit precedent that “‘the rights [§ 1983] secures [are] personal to those purportedly injured.’” *Christa McAuliffe Intermed. Sch. PTO, Inc. v. de Blasio*, 788 F. App’x 85, 85 (2d Cir. 2019) (quoting *Nnebe v. Daus*, 644 F.3d 147, 156 (2d Cir. 2011)).

Third, assuming that the Coalition is allowed to count irreparable injury to its members as irreparable harm under *Winter*, the Coalition’s evidence is far too weak to succeed. Despite boasting of “5,000” members, Compl. ¶ 11, the Coalition came forward with sworn testimony from only *three* parents: Akella, McCaskill, and Verma (ECF Nos. 16-1 to 16-3). Yet not a single declaration shows irreparable harm to be “imminent.” Only one of the three parents—

McCaskill—has a child, “D.M.,” who is currently applying for admission to TJ under the challenged policy. McCaskill Decl. ¶¶ 4–6, ECF No. 16-2. The other declarants have children in sixth or seventh grade who will not be eligible to apply to TJ for another year or two.

Even as to D.M., the Coalition has not shown “imminent” harm. Her parent tells us that D.M. is a “gifted,” “straight-A student” who has been enrolled in Advanced Academic Placement since second grade. *Id.* ¶ 5. The Coalition does not claim that D.M. ranks below the top 1.5% of her middle school class that is guaranteed admission. The Coalition has failed to show that D.M. is unlikely to be admitted under the admissions policy, let alone that her race will affect her chances.

Ironically, if the requested injunction were granted and the admissions process were restarted using the old admissions policy, D.M. would not learn whether she will be admitted to TJ until weeks after school has started. Ex. 2, Shughart Decl. ¶ 17(b). How could that possibly be in her best interest?

III. The balance of hardships weighs against the Coalition.

D.M. would not be alone in having her academic plans thrown into chaos. The balance of hardships weighs against issuing a preliminary injunction because halting the admissions process now, and ordering it to start over using the old admissions policy, would wreak havoc.

A total of 3,470 eighth-graders from 130 different schools have applied for admission to the freshman class at TJ for the upcoming school year, which starts August 23. Ex. 2, Shughart Decl. ¶¶ 13, 16. That is the highest number of applicants, by far, in recent years. *Id.* ¶ 13. That marked increase suggests that eliminating the application fee and the standardized-testing requirement, together with the top-1.5% plan, are working to remove inequitable barriers to entry that previously discouraged talented students from applying. Those students dutifully submitted their applications during the February 2021 application window and underwent the qualitative

assessment on March 15 (or on the April 12 makeup date). *Id.* ¶ 10(f)–(g). Those students (and their families) have done everything asked of them. They simply await admission decisions, which will be announced in just a few weeks—in June. *Id.* ¶ 20.

A preliminary injunction stopping the current admissions process and reinstating the prior one would scramble those families’ settled expectations and impose unforeseen new burdens. The admission process would have to be reopened “in its entirety” because the current policy excludes students with GPAs below 3.5, while the prior policy allowed GPAs of 3.0 or higher. *Id.* ¶ 15.

The prior testing requirements could only be partially restored. It is impossible to require the ACT Aspire exams in science and reading; the vendor-controlled testing window closes on May 21 and the next window will not open until at least September. *Id.* ¶ 16. While the Court, in theory, could order the school system to administer the Quant-Q exam, students would have to rearrange their plans to take it in July. *Id.* ¶ 19. And with only a math assessment, and none in science or reading, the standardized-testing regime would hardly resemble the “status quo ante,” Coal. PI Br. 7, that Plaintiff wants restored.

In addition to having to take the Quant-Q test, applicants would also have to line up two teacher recommendations, which will become difficult after school ends in June, when teachers are no longer on contract. *Id.* ¶ 19. Their families would also have to pay the \$100 application fee that they thought had been eliminated—an amount approaching \$350,000—or apply for a hardship exception. *Id.*

And even after all of that, students who were counting on knowing in June whether they will be admitted to TJ will not find out until mid-September, after the new school year has begun. *Id.* ¶ 17(b). They and their families cannot wait that long. Virginia has compulsory

attendance laws. *See* Va. Code Ann. § 22.1-254(A) (Supp. 2020). So students and families will be required to make different schooling arrangements before school starts on August 23, only to have to change plans weeks later if they're admitted to TJ and are willing to bear the disruption of changing schools in order to attend.

An injunction would also render useless this year's work by TJ's admissions evaluators, who diligently started on May 3 to review admissions data in order to rank students and select the incoming freshman class. *Id.* ¶ 20. They continue to review the nearly 3,500 candidates, even as this motion is being briefed, in order to complete the process by May 28. *Id.* ¶ 20. An injunction would render their 3,400 hours work for naught, forcing them to "start over." *Id.* The first order of business would be to administer the Quant-Q. But that could not be done until mid-July at the "earliest." *Id.* ¶ 17(b). And sequencing the admissions steps thereafter would postpone admissions decisions until "mid-September at the earliest." *Id.*

The Coalition asks the Court to set a bond of zero or to "waive" the Rule 65(c) injunction-bond requirement entirely, insisting, without basis, that the "Defendants cannot show that the issuance of a preliminary injunction would cause them harm." Coal. PI Br. 27. Of course, a "bond amount of zero" is entirely inappropriate where there is "virtual certainty" that the defendant "would suffer substantial monetary damage from an injunction." *Md. Dep't of Human Res. v. U.S. Dep't of Agric.*, 976 F.2d 1462, 1483 n.23 (4th Cir. 1992) (finding abuse of discretion in failing to require a bond). In this case, the financial harm to the School Board would be both certain and substantial. Administering the Quant-Q exam alone would cost \$72,000. Ex. 2, Shughart Decl. ¶ 17(a). And because the necessary school personnel are not employed on year-long contracts, forcing the admissions office to redo the evaluation process during the summer would cost approximately \$119,408 to pay for their labor. *Id.* ¶ 20. The

total—\$191,408—is a substantial sum. The Coalition cannot blithely ignore that injury, whether as part of the balance-of-hardship test, or in setting a bond to cover “the losses the unjustly enjoined or restrained party [would] suffer” as a result of a preliminary injunction. *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 421 & n.3 (4th Cir. 1999); Fed. R. Civ. P. 65(c). Either way, the harm to the School Board is real, substantial, and obvious.

IV. The public interest disfavors throwing the admissions process into chaos.

To prove that a preliminary injunction would serve the public interest, the Coalition again falls back on its insistence that the current policy is unconstitutional. Coal. PI Br. 27. But since the Coalition’s constitutional claim fails on the merits, its “public interest” claim falls with it.

The Coalition, moreover, ignores another “public interest” that strongly disfavors injunctive relief: preserving the settled expectations and reliance interests of students and families who have abided by the current admissions policy and are awaiting decisions. The First Circuit recently held that this “public interest” disfavored interfering in the admissions process for Boston’s exam schools. *See Bos. Parent Coal.*, 2021 WL 1656225, at *9. Just as in that case, “[e]njoining defendants from making . . . admissions decisions . . . at this juncture would unsettle important expectations and the plans of thousands of families awaiting those decisions.” *Id.* “The public interest is best served by permitting defendants to finalize and communicate admissions decisions . . . , not by entering plaintiff’s proposed injunction and throwing the . . . admissions process into chaos.” *Id.*

V. The Coalition’s claim to equitable relief is barred by laches.

Finally, the Court should hold that the Coalition’s unexplained delay in seeking a preliminary injunction amounts to laches that bars its request for equitable relief. Laches “precludes relief when a plaintiff has delayed bringing suit to the detriment of the defendant.” *Perry v. Judd*, 840 F. Supp. 2d 945, 950 (E.D. Va.), *aff’d*, 471 F. App’x 219 (4th Cir. 2012).

“The doctrine applies with particular force in the context of preliminary injunctions against *governmental action*,” as in this case, “where litigants try to block imminent steps by the government.” *Id.* (emphasis added). Parties that seek to enjoin “time-sensitive” government action must “do so with haste and dispatch.” *Id.* (quoting *Quince Orchard Valley Citizens Ass’n v. Hodel*, 872 F.2d 75, 80 (4th Cir. 1989)). The doctrine essentially “penalizes a litigant for negligent or willful failure to assert his rights,” including alleged constitutional rights. *Id.* at 953 (citations omitted).

The two elements of laches are “(1) lack of diligence by the party against whom the defense is asserted, and (2) prejudice to the party asserting the defense.” *Id.*; *White v. Daniel*, 909 F.2d 99, 102 (4th Cir. 1990). In *Perry*, the Fourth Circuit affirmed this Court’s laches ruling because the presidential candidates there waited until several months after the period commenced to circulate ballot-qualifying petitions before challenging the requirement that only registered voters could collect signatures. *Perry v. Judd*, 471 F. App’x 219, 224 (4th Cir. 2012). Similarly, in *Curtin*, this Court held that laches barred the preliminary-injunction motion where the plaintiff waited until two months after absentee voting had started before challenging Virginia’s Covid-19 guidance that broadened absentee-voter eligibility. *Curtin v. Va. State Bd. of Elections*, 463 F. Supp. 3d 653, 659 (E.D. Va. 2020). Although *Perry* and *Curtin* involved election cases, the rule requiring “reasonable diligence” applies in both election cases and “elsewhere.” *Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018). As the First Circuit just recognized in the Boston exam-schools case, those principles apply “here, too.” *Bos. Parent Coal.*, 2021 WL 1656225, at *9 (citing *Benisek*).

The Coalition’s delay in seeking a preliminary injunction is unexplained and inexcusable. The Coalition waited to file suit until March 10, 2021 (ECF No. 1)—more than five months after

the School Board voted on October 6 to eliminate the standardized-testing requirement for admission to TJ. That was also nearly three months after the School Board voted on December 17, 2020 to adopt the top-1.5% plan. The Coalition then waited another six weeks after filing suit before moving for preliminary injunctive relief.

The Coalition's delay appears to be strategic and intentional in light of the *K.C.* lawsuit. As noted above, fourteen of the named parent members of the Coalition are plaintiffs in *K.C.*² That lawsuit was timely filed on November 4, 2020, to challenge the October 6 no-testing decision, and timely amended on January 7, 2021 to challenge the December 17 vote to adopt the top-1.5% plan. *See K.C. First Am. Compl.* ¶ 82 (ECF No. 22-3). The *K.C.* plaintiffs acted within the 30 days allowed under Virginia law to seek judicial review of a school board's decision. *See Va. Code Ann.* § 22.1-87 (2016). The *K.C.* plaintiffs, however, conspicuously omitted any claim based on discrimination against Asian Americans.³ The circuit court conducted a one-day evidentiary hearing on January 26 and promptly denied the preliminary-injunction request, finding that it would have been "difficult if not impossible to restore the testing." *K.C.*, 2021 Va. Cir. LEXIS 32, at *28.

² The following parents named as Coalition members, *Compl.* ¶¶ 13–14, are also plaintiffs in *K.C.*: Hanning Chen; Justin Jia; Raja Kakayadi; Dheeram Kaleem; Yuhong Lin; Ying Y. McCaskill; Mahua Mitra; Hemang Nagar; James Pan; Mayuri Prodhuturi; Vijay Raghavan; Tilak Venigalla; Sampath Yarlagaadda; and Srinivas Akella. *See First Am. Compl., K.C. v. Fairfax Cty. Sch. Bd.* (ECF No. 22-3).

³ That omission is all the more puzzling given that lead counsel for the *K.C.* plaintiffs is also lead counsel for the plaintiff in the Boston case, where the district court and First Circuit recently rejected a similar Asian-American discrimination challenge to the Boston school system's race-neutral admissions plan for its elite "exam" schools. *See Bos. Parent Coal. for Acad. Excellence Corp. v. Sch. Comm. of Bos.*, No. 21-10330-WGY, 2021 WL 1422827 (D. Mass. Apr. 15, 2021), *stay denied*, No. 21-1303, 2021 WL 1656225 (1st Cir. Apr. 28, 2021). The district court called out the unusual legal position by plaintiff's counsel that "any consideration of race" when adopting a race-neutral admissions plan would subject it to strict scrutiny. 2021 WL 1422827, at *8 & n.14. The court found that claim to be "contrary to controlling precedent." *Id.* at *8.

The first laches element is plainly satisfied because the Coalition “failed to demonstrate the requisite diligence.” *Curtin*, 463 F. Supp. 3d at 659. The Coalition fails to explain why its fourteen parent members did not bring their Asian-discrimination claim in *K.C.*, when they filed suit last November. The Coalition also fails to explain why it waited another two-and-a-half months after injunctive relief was denied in *K.C.* to seek the preliminary injunction here. “[E]quity ministers to the vigilant, not to those who sleep upon their rights.” *Perry*, 471 F. App’x at 224 (citation omitted); *Curtin*, 463 F. Supp. 3d at 660 (same).⁴

The second element of laches is also satisfied because the Coalition’s delay has prejudiced the School Board. “Prejudice can be inferred simply from the plaintiff’s delay, or from evidence of specific harm.” *Perry*, 840 F. Supp. 2d at 954. Moreover, “the greater the delay, the less the prejudice required to show laches, and vice versa.” *White*, 909 F.2d at 102. In *Perry*, the prejudice was that, by “the date of the preliminary injunction hearing,” the local electoral boards should have been mailing out the absentee ballots that were the subject of the plaintiffs’ challenge. 840 F. Supp. 2d at 954. The disruption of the electoral board’s careful schedule “alone amount[ed] to damage that satisfies the laches requirements.” *Id.* Similarly, in *Curtin*, the absentee ballots that plaintiffs contested had already begun to be received by elections officials. 463 F. Supp. 3d at 660. And in *Boston Parents Coalition*, the “plaintiff’s delay . . . threaten[ed] to injure the other interested parties and the public.” 2021 WL 1656225, at *9.

⁴ The Coalition cannot claim that it did not discover its anti-Asian discrimination claim when the School Board changed the admission policy on October 6 and December 17, 2020, since the complaint relies on the public statements of school board members and the Superintendent at meetings on September 15 and October 6 as evidence of supposed racism. Compl. ¶¶ 45–47.

The prejudice here is analogous to that in *Perry, Curtin, and Boston Parents Coalition*. It falls into three categories. First, a preliminary injunction to return to the prior policy would require starting the admissions process over again, wasting approximately 3,400 personnel hours expended by TJ's admissions evaluators who have relied on the validity of the current system. Ex. 2, Shughart Decl. ¶ 20. Second, returning to the old process would require the school system to administer the Quant-Q examination at a cost of approximately \$72,000. *Id.* ¶ 17(a). The school system would also have to pay another \$119,408 to hire staff to conduct the work over the summer. *Id.* ¶ 20. And third, the delay would prevent FCPS from determining the makeup of the freshman class until "mid-September at the earliest and possibly not until October," well past when school opens on August 23. *Id.* ¶ 17(b). In short, the school system would be "clearly prejudiced" because its planning would be "thrown into far greater confusion than would have been the case with a timely legal action." *Perry*, 471 F. App'x at 226.

CONCLUSION

Plaintiff's motion for a preliminary injunction should be denied. The Court should simultaneously grant defendants' Rule 12(b) motion and dismiss this case with prejudice.

Respectfully submitted,

FAIRFAX COUNTY SCHOOL BOARD and
DR. SCOTT BRABRAND in his "official
capacity" as Superintendent

By: /s/
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Exhibits

- 1) Minutes of School Board Meeting (Dec. 17, 2020)
- 2) Declaration of Jeremy Shughart

MINUTES
Fairfax County School Board
Electronic Regular Meeting
Virtual

Electronic Regular Meeting

December 17, 2020

Board members and Division staff participated electronically via Blackboard Collaborate Ultra due to the COVID-19 emergency and the Governor of Virginia's amended Order of the Governor and State Health Commissioner Declaration of Public Health Emergency, Order of Public Health Emergency One issued March 20; Executive Order Number 53: Temporary Restrictions On Restaurants, Recreational, Entertainment, Gatherings, Non-Essential Retail Businesses, And Closure Of K-12 Schools Due To Novel Coronavirus (Covid-19) issued March 23; Order of the Governor and State Health Commissioner Order of Public Health Emergency Two, issued March 25. Members of the public attended virtually via Public Access Channel 99 and at FCPS.EDU/TV.

1. CLOSED MEETING

Ms.Derenak Kaufax moved, and Mrs. Corbett Sanders seconded, that the Board will now make a motion to go into closed meeting to c to 1) consult with legal counsel regarding litigation or specific legal matters requiring the provision of legal advice by such counsel pursuant to Sections 2.2-3711(A)(7) and (A)(8) of the Code of Virginia, specifically *Q.T., et al. v. School Board, et al.*, Case No. 1:19-cv-1285; and 2) consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Section 2.2-3711 (A)(8) of the Code of Virginia, specifically personnel, Title IX and other federal matters. The motion **passed 10-0-0**: Ms. Omeish, Ms. Pekarsky, Ms. Tholen, Ms. Meren, Ms. Derenak Kaufax, Mrs. Corbett Sanders, Ms. McLaughlin, Ms. Cohen, Mr. Frisch, and Dr. Anderson voted "aye"; Ms. Sizemore Heizer, and Ms. Keys-Gamarra were not present for the vote,

The Board met in closed session from 5:01 p.m. to 7:09 p.m. and took a brief recess from 7:09 p.m. to 7:17 p.m.

2. REGULAR MEETING

2.01 Call to Order/Pledge of Allegiance/Moment of Silence

Chairman Anderson called the meeting to order at 7:17 p.m. with the following Board members present:

Karen Corbett Sanders (Mt. Vernon)	Megan O. McLaughlin (Braddock)
Tamara Derenak Kaufax (Lee)	Melanie Meren (Hunter Mill)
Ricardy Anderson (Mason)	Abrar Omeish (At Large)
Laura Jane Cohen (Springfield)	Stella Pekarsky (Sully)
Karl Frisch (Providence)	Rachna Sizemore Heizer (At Large; arr:5:04)
Karen Keys-Gamarra (At Large; arr:5:04)	Elaine Tholen (Dranesville)

Also present were Division Superintendent Scott Brabrand; Deputy Superintendent Frances Ivey; Clerk of the Board Ilene Muhlberg; Deputy Clerk of the Board Beverly Madeja; Chief Operating Officer Marty Smith; Assistant Superintendent, Jeff Platenberg; Assistant Superintendent, Facilities and Transportation and certain other members of staff both in-person and virtually. The Student Representative to the School Board Nathan Onibudo was present.

Nathan Onibudo led the Pledge of Allegiance and the moment of silence.

2.03 Certification of Closed Meeting Compliance (Exhibit A)

Ms. Omeish moved, and Ms. Derenak seconded, that the Board 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 December 17, 2020, 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 motion passed unanimously.

2.04 Announcements (Exhibit B)

Nathan Onibudo announced that FCPS will celebrate National Mentoring Month in January 2021.

3. PRESENTATIONS TO THE SCHOOL BOARD

3.01 Citizen Participation (Exhibit C)

Nine citizens addressed the Board in the time reserved for citizen participation and three citizens delivered video testimony. Kimberly Adams addressed Agenda Item 4.05 – Superintendent Contract; Asra Nomani, Zia Tompkins, and Harry Jackson addressed Agenda Item 5.01 Monthly Report on Employee Separation; Akshay Deverakonda, Paul Thomas, Jun Wang, Srilekha Palle, and Michelle Cades addressed Agenda Item 4.02 – TJHSST Admissions; Jorge Torrico addressed Agenda Item 6.04 - Award of Contract- Robinson Secondary School Synthetic Turf Field Replacement Project. Video testimony was given by Norma Margulies on Agenda Item 5.01- Monthly Report on Employee Separation, and Teddy Geis and Fatimah Salem on Agenda Item 4.02 – TJHSST Admissions.

3.02 Student Representative Matters (Exhibit D)

The School Board congratulated Nathan Onibudo for his early acceptance into the University of Virginia. Student Representative Nathan Onibudo made brief comments.

3.03 FY 2022-2026 Capital Improvement Program (Exhibit E)

The Chair introduced the Superintendent to begin the presentation of the CIP. The Superintendent welcomed Jeff Platenberg, assistant superintendent, Facilities, who presented the FY 2022- 2026 Capital Improvement Program while highlighting the impact of COVID 19.

The Board discussed a new elementary school in the Providence district with possible funding source; COVID impacts on September 30 enrollement compared to the current overall enrollment; repurposing existing buildings; and outdoor learning spaces.

Mr. Platenberg announced that the Board will discuss the CIP in-depth at the January 5 work session, and then the CIP public hearing will be held on January 7, with Board action scheduled on February 4, 2021.

4. ACTION ITEMS

4.01 Confirmation of Action taken In Closed Meeting (Exhibit F)

Ms. McLaughlin moved, and Ms. Cohen seconded, that the Board authorize the Superintendent to execute the resolution agreement, according to the terms and conditions discussed in closed session. The motion passed unanimously.

4.02 Thomas Jefferson High School for Science and Technology (TJHSST) Admissions {TJ; WS 9/15/20; 10/6/20 WS; 11/17/20 WS; 12/7/20 WS} (Exhibit G)

[Clerk's note:Chair Anderson passed the gavel to Vice-Chair Pekarsky.]

Ms.Omeish moved, and Dr. Anderson seconded, that the Hybrid Merit Lottery presented to the School Board by the Superintendent on December 7 will ensure that the Thomas Jefferson High School for Science and Technology continues to provide a high-quality STEM education. A diverse student body that includes a wide variety of backgrounds, experiences and skills enriches the learning environment for the students at TJ and prepares them to be science and technology leaders in an increasingly diverse workforce. I therefore move to direct the Superintendent to revise the admissions process for TJHSST utilizing the Hybrid Merit Lottery of the Superintendent's presentation to the Board on December 7. The admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. These changes are effective with the admissions process for the class entering TJHSST in the Fall of 2021.

The Board discussed that merit indicates that a student must meet eligibility for TJHSST admissions before entering the admissions lottery, that this has been recommended by community and national groups and noted the importance of giving every student an opportunity.

The motion that the Hybrid Merit Lottery presented to the School Board by the Superintendent on December 7 will ensure that the Thomas Jefferson High School for Science and Technology continues to provide a high-quality STEM education. A diverse student body that includes a wide variety of backgrounds, experiences and skills enriches the learning environment for the students at TJ and prepares them to be science and technology leaders in an increasingly diverse workforce. I therefore move to direct the Superintendent to revise the admissions process for TJHSST utilizing the Hybrid Merit Lottery of the Superintendent's presentation to the Board on December 7. The admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. These changes are effective with the admissions process for the class entering TJHSST in the Fall of 2021, **failed**
4-8-0: Dr. Anderson, Ms. Omeish, Mr. Frisch, and Ms. Keys-Gamarra voted "aye;" Ms. Sizemore Heizer, Ms. Tholen, Ms. Meren, Ms. Derenak Kaufax, Mrs. Corbett Sanders, Ms. McLaughlin, Ms. Cohen, and Ms. Pekarsky voted "no."

[Clerk's note: Vice-Chair Pekarsky passed the gavel back to Chair Anderson.]

Ms. Tholen, moved, and Ms. Pekarsky seconded, that the Holistic Review process presented to the School Board by the Superintendent on December 7 will ensure that the Thomas Jefferson High School for Science and Technology continues to provide a high-quality STEM education. A diverse student body that includes a wide variety of backgrounds, experiences and skills enriches the learning environment for the students at TJ and prepares them to be science and technology leaders in an increasingly diverse workforce. I therefore move to direct the Superintendent to revise the admissions process for TJHSST utilizing the Holistic Review Process outlined on pages 10 , 11 and 12 of the Superintendent's presentation to the Board on December 7. The Superintendent's Holistic Review process must be modified to establish that, as part of the review process, the top 1.5% of the 8th grade class at each public middle school who meet the minimum standards--based on GPA in core classes, student portrait sheet, problem-solving essay and experience factors--will be eligible for admission. The admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. These changes are effective with the admissions process for the class entering TJHSST in the Fall of 2021.

The Board discussed that the top 1.5% from each middle school could replace the previously discussed Regional pathway and expanding the pipeline for each middle school and all elementary school AAP programs, while providing STEM opportunities at all levels and equity of access and opportunity with additional experience factors.

The motion that the Holistic Review process presented to the School Board by the Superintendent on December 7 will ensure that the Thomas Jefferson High School for Science and Technology continues to provide a high-quality STEM education. A diverse student body that includes a wide variety of backgrounds, experiences and skills enriches the learning environment for the students at TJ and prepares them to be science and technology leaders in an increasingly

diverse workforce. I therefore move to direct the Superintendent to revise the admissions process for TJHSST utilizing the Holistic Review Process outlined on pages 10, 11 and 12 of the Superintendent's presentation to the Board on December 7. The Superintendent's Holistic Review process must be modified to establish that, as part of the review process, the top 1.5% of the 8th grade class at each public middle school who meet the minimum standards--based on GPA in core classes, student portrait sheet, problem-solving essay and experience factors--will be eligible for admission. The admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. These changes are effective with the admissions process for the class entering TJHSST in the Fall of 2021, **passed 10-1-1**: Ms. Omeish, Mr. Frisch, Ms. Keys-Gamarra, Ms. Sizemore Heizer, Ms. Tholen, Ms. Meren, Ms. Derenak Kaufax, Mrs. Corbett Sanders, Ms. Cohen, and Ms. Pekarsky voted "aye;" Dr. Anderson voted "no;" and Ms. McLaughlin abstained from the vote.

Ms. Omeish moved, and Ms. Cohen seconded, to require that the test (essay and SIS) be administered locally, at each middle school, to all eligible students (i.e. who meet the 3.5 GPA and Algebra 1 requirements), and to provide the opportunity to opt-out of taking the test should they so choose, by the admissions cycle for the class of 2026 (next year). To opt-out would be to eliminate oneself from consideration for TJ.

The Board stressed the need to decrease barriers by providing problem solving essay at all middle schools. The Board discussed that the ability to be automatically entered into admissions pool by meeting eligibility requirements could be more inclusive than opting in to the admissions process.

Ms. McLaughlin moved, and Ms. Meren seconded, to amend the main motion to remove the requirement that the problem-solving exams be administered at every single middle school.

The Board discussed the possibility of providing transportation to local test sites, and the need to be inclusive by providing access at every middle school to eliminate barriers to TJHSST admission.

The motion to amend the main motion, to remove the requirement that the problem-solving exams be administered at every single middle school, **failed 0-12-0**: Ms. Omeish, Ms. Pekarsky, Ms. Tholen, Ms. Meren, Ms. Derenak Kaufax, Mrs. Corbett Sanders, Ms. McLaughlin, Ms. Cohen, Mr. Frisch, Dr. Anderson, Ms. Sizemore Heizer, and Ms. Keys-Gamarra voted "no."

The main motion, to require that the test (essay and SIS) be administered locally, at each middle school, to all eligible students (i.e. who meet the 3.5 GPA and Algebra 1 requirements), and to provide the opportunity to opt-out of taking the test should they so choose, by the admissions cycle for the class of 2026 (next year). To opt-out would be to eliminate oneself from consideration for TJ, **passed 11-1-0**: Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Tholen, Ms. Derenak Kaufax,

Ms. McLaughlin, Ms. Keys-Gamarra, Ms. Sizemore Heizer, Mrs. Corbett Sanders, Ms. Cohen, and Ms. Pekarsky voted “aye;” and Ms. Meren voted “no.”

Ms. Omeish moved, and Ms. Cohen a follow-on motion to establish that, as part of the holistic review process, by the process for the 2027 class, the top percent of the 8th grade class at each public middle school in Fairfax County who meet minimum standards - based on GPA in core classes, student portrait sheet, problem-solving essay, and experience factors - shall be eligible for admission according to the percentage that is proportional to their population. This reflects the existing holistic review plan but calculates allotments of gifted students by school rather than by region.

The Board discussed that the percentage of individual middle schools reflect their percentage of FCPS population increase diversity and the feasibility of completing this work in 3 years. The Board discussed the variability in TJHSST's class population year to year.

Ms. Omeish moved, and Ms. Cohen seconded, to amend the follow-on motion to establish a goal of equitable representation by middle school for the class 2027 cohort.

The Board discussed the definition of equitable representation and that this goal was aspirational and would be clarified further at a later date.

The motion to amend the follow-on motion to establish a goal of equitable representation by middle school for the class 2027 cohort, **passed 7-4-1**: Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Keys-Gamarra, Mrs. Corbett Sanders, Ms. Cohen, and Ms. Pekarsky voted “aye;” Ms. McLaughlin, Ms. Tholen, Ms. Meren, and Ms. Derenak Kaufax voted “no;” and Ms. Sizemore Heizer abstained from the vote.

The follow-on motion to establish that, as part of the holistic review process, by the process for the 2027 class, the top percent of the 8th grade class at each public middle school in Fairfax County who meet minimum standards - based on GPA in core classes, student portrait sheet, problem-solving essay, and experience factors - shall be eligible for admission according to the percentage that is proportional to their population. This reflects the existing holistic review plan but calculates allotments of gifted students by school rather than by region, as amended, **passed 7-4-1**: Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Keys-Gamarra, Mrs. Corbett Sanders, Ms. Cohen, and Ms. Pekarsky voted “aye;” Ms. Tholen, Ms. Meren, Ms. McLaughlin, and Ms. Derenak Kaufax voted “no;” and Ms. Sizemore Heizer abstained from the vote.

Ms. Cohen moved, and Ms. Meren seconded, a follow-on motion to amend the family outreach/communication plan to include: Number of middle school students (by grade) interested in attending; Number of families who attend TJHSST outreach meetings; Number of applicants from first time (non-legacy) families;

Number of applicants from underrepresented student populations; Climate survey of TJHHST students; Parent engagement survey.

The Board discussed the need to set intentional goals and continue to increase accountability while improving community outreach and communication.

The follow-on motion a follow-on motion to amend the family outreach / communication plan to include: Number of middle school students (by grade) interested in attending; Number of families who attend TJHSST outreach meetings; Number of applicants from first time (non-legacy) families; Number of applicants from underrepresented student populations; Climate survey of TJHHST students; Parent engagement survey, **passed unanimously.**

Ms. Cohen moved, and Ms. Meren seconded, a follow-on motion to direct the superintendent to present an annual report in a public meeting to the board on TJ Admissions to include: diversity of admitted class, attrition rates and reason for students not attending or leaving the school, remediation efforts, STEM class offerings and participation in enrichment clubs, the preparation of this report will include input from the Chief Equity Officer on the ongoing efforts to enhance and diversify the educational environment of TJ, and input from stakeholders and community members, including from the Minority Student Achievement Oversight Committee and the Advanced Academic Program Advisory Committee reports. If adequate progress is not made on improving diversity, the board directs the Superintendent to propose additional tools available to obtain the goal of improving diversity which could include increased outreach, piloting a lottery or other tools that may be recommended by the Superintendent.

The Board stressed the need to evaluate the progress of these changes to TJHSST admission and discussed the importance of evaluating the impact of these changes and the continued importance of transparency in a public meeting.

The follow-on motion to direct the superintendent to present an annual report in a public meeting to the board on TJ Admissions to include: diversity of admitted class, attrition rates and reason for students not attending or leaving the school, remediation efforts, STEM class offerings and participation in enrichment clubs, the preparation of this report will include input from the Chief Equity Officer on the ongoing efforts to enhance and diversify the educational environment of TJ, and input from stakeholders and community members, including from the Minority Student Achievement Oversight Committee and the Advanced Academic Program Advisory Committee reports. If adequate progress is not made on improving diversity, the board directs the Superintendent to propose additional tools available to obtain the goal of improving diversity which could include increased outreach, piloting a lottery or other tools that may be recommended by the Superintendent, **passed unanimously.**

Ms. Meren moved, and Ms. McLaughlin seconded to reconsider the vote on the motion to require that the test (essay and SIS) be administered locally, at each middle school, to all eligible students (i.e. who meet the 3.5 GPA and Algebra 1

requirements), and to provide the opportunity to opt-out of taking the test should they so choose, by the admissions cycle for the class of 2026 (next year). To opt-out would be to eliminate oneself from consideration for TJ.

The Board discussed possible confusion due to the discrepancy between the motion displayed on BoardDocs and the motion stated by the member and considered if a second vote was necessary for confirmation of the wording.

The motion to reconsider the vote **failed 2-9-1**: Ms. Meren and Ms. McLaughlin voted “yes;” Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Keys-Gamarra, Mrs. Corbett Sanders, Ms. Cohen, Ms. Pekarsky, Ms. Tholen, and Ms. Derenak Kaufax voted “no;” and Ms. Sizemore Heizer abstained from the vote.

4.03 FY 2021 Midyear Budget Review [FNS; NB 12/3/20; WS 12/15/20] (Exhibit H)

Ms. Meren moved, and Ms. Derenak Kaufax seconded, that the School Board approve revenue and expenditure changes reflected in the FY 2021 Midyear Budget Review as detailed in the agenda item.

The Board discussed the expenditures included in the food and nutrition program and the increase from previous years, due to the pandemic.

The motion that the School Board approve revenue and expenditure changes reflected in the FY 2021 Midyear Budget Review as detailed in the agenda item, **passed 8-3-1**: Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Tholen, Ms. Derenak Kaufax, Ms. Meren, Ms. Cohen, and Ms. Pekarsky voted “aye;” Ms. McLaughlin, Ms. Keys-Gamarra, and Ms. Sizemore Heizer voted “no;” and Mrs. Corbett Sanders abstained from the vote.

4.04 PXXXX, New Policy Restraint and Seclusion [DSS NB 12/3/20/ PH 12/11/20] (Exhibit I)

Ms. Sizemore Heizer moved, and Ms. Omeish seconded, that the School Board approve the new Restraint and Seclusion Policy as presented and as detailed in the agenda item.

The Board expressed appreciation for the work of staff to further the goal of a caring culture by using positive intervention. The Board thanked the community, staff, and stakeholders’ whose input help shaped this policy.

The motion that the School Board approve the new Restraint and Seclusion Policy as presented and as detailed in the agenda item, **passed unanimously**.

4.05 Consideration of extension to Superintendent contract (Exhibit J)

Ms. Omeish moved, and Ms. Sizemore Heizer seconded, that the School Board renew its contract with Dr. Scott Brabrand as Superintendent, and authorize the Chairman to execute the amended contract, as detailed in the agenda item.

The Chair stated that the Superintendent's contract will be extended for 1 year beyond the June 30, 2021 end date.

The motion that the School Board renew its contract with Dr. Scott Brabrand as Superintendent, and authorize the Chairman to execute the amended contract, as detailed in the agenda item, passed unanimously.

5. CONSENT AGENDA

5.01 Monthly Report on Employee Separation- Confirm the separations for the period beginning November 1, 2020 and ending November 30, 2020. (Exhibit K)

Vice Chair Pekarsky stated that, without objection, the one item on the consent agenda would be adopted. Hearing no objections, the consent agenda was adopted.

6. NEW BUSINESS

6.01 FY 2022-2026 Capital Improvement Program [FTS; WS 1/5/21; 1/7/21 PH; Action 2/4/21; approve the Proposed FY 2022-2026 Capital Improvement Program.]- Approve the Proposed FY 2022-2026 Capital Improvement Program. (Exhibit L)

There was no discussion on this item.

7. SUPERINTENDENT MATTERS

The Superintendent made brief comments.

8. BOARD COMMITTEE REPORTS (Exhibit M)

December 8, 2020

Governance Committee - Karl Frisch, Chair

December 9, 2020

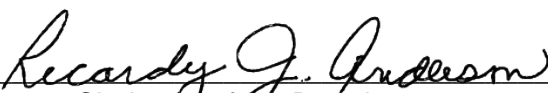
Audit Committee, Karen Keys-Gamarra, Chair

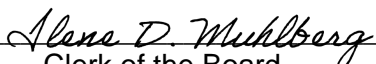
9. BOARD MATTERS

The Board agreed to cancel Board Matters due to the late hour.

10. ADJOURNMENT

The meeting was adjourned at 12:30 a.m. on December 18, 2020.


Chairman of the Board


Clerk of the Board
Approved January 21, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

COALITION FOR TJ,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:21-cv-00296-CMH-JFA
)	
FAIRFAX COUNTY SCHOOL BOARD,)	
and DR. SCOTT BRABRAND, in his)	
official capacity as Superintendent of the)	
Fairfax County School Board,)	
)	
Defendants.)	

DECLARATION OF JEREMY SHUGHART

My name is Jeremy Shughart, and I certify that the following information is true to the best of my knowledge, information, and belief.

1. I am over the age of 18 and make this declaration based on my own personal knowledge.
2. I am employed by the Fairfax County School Board as the Director of Admissions for the Thomas Jefferson High School for Science and Technology ("TJ"). I have been employed in that position since July 2013. Prior to that position, I was employed by Fairfax County Public Schools ("FCPS") as the manager of the Office of Student Testing.
3. As the Director of Admissions for TJ, I oversee all aspects of the student selection and admissions process for that school. This includes leading the development and continued refinement of the online application process and assessment components, acting as the liaison with our participating jurisdictions, providing guidance on outreach, implementing any admissions changes, and coordinating the selection process for TJ student admissions.

4. FCPS periodically publishes a regulation, Regulation 3355, that describes the procedures for student selection and admission to TJ (“TJ Admissions Process”). The July 2018 revision of that Regulation, Regulation 3355.13, is attached as Exhibit A, and it accurately described the TJ Admissions Process that was used to select students entering TJ in the 2018-19, 2019-20, and 2020-21 school years. The TJ Admissions Process for students entering in Fall 2013 through Fall 2017 was described in earlier versions of Regulation 3355.

5. Since 2013, students have been selected for admission to TJ based on a holistic review of a number of qualitative and quantitative components. These components have been adjusted many times over the years. From Fall 2017 through Spring 2020, these components included an essay question; responses to a student information sheet; teacher recommendations; percentile ranks on math, reading & science assessment tests; grade point average; and math/science grade point average.

6. Until Fall 2017, the TJ Admissions Process included one standardized test—a Specialized High School Admissions Test that was customized by the test vendor (Pearson) exclusively for the TJ Admissions Process. When Pearson informed FCPS in early 2016 that it would discontinue that test after Fall 2016, FCPS undertook to select an alternative. After a lengthy and thorough evaluation and recommendation process, FCPS selected a combination of three tests from two different vendors: the ACT Aspire Reading, the ACT Aspire Science, and the Quant-Q as a mathematics assessment.

7. FCPS began using those three tests as part of the TJ Admissions process in the 2017-18 school year. That was the first time that a science assessment was used as part of the TJ Admissions process.

8. Before changes to the TJ admission policy were adopted by the Fairfax County School Board in October and December 2020, the TJ Admissions Process took five to six months to complete.

- a. Under that process, an application window opened for four weeks starting in early September and closing in late September or early October.
- b. Applicants who paid the application fee and met the eligibility criteria (8th-grade students residing in Fairfax County or another participating jurisdiction, enrolled in or already completed Algebra I, and having a 3.0 GPA in the core academic subjects at the end of 7th grade final marks and 8th grade 1st quarter marks) were administered the ACT Aspire Reading, the ACT Aspire Science, and the Quant-Q tests around the second week of November. The ACT Aspire Reading and Science tests were administered during a national testing window established by the exam vendor, which window typically closes in mid- to late November of each year. FCPS administered the Quant-Q exam, which constituted the math assessment, at the same time as the two ACT Aspire tests.
- c. After FCPS received the results of the ACT Aspire and Quant-Q assessments in early January, the applicant pool was narrowed in mid-January to a “semifinalist” pool, consisting of those applicants who scored above certain percentile minimums on the three exams and who had continued to maintain at least a 3.0 GPA in their core academic courses.
- d. In early or mid-February, the semifinalists were administered a qualitative admissions exam, consisting of a proctored administration of the Student Information Sheet and a Problem-Solving Essay. Semifinalists also were required

to obtain two teacher recommendations and submit them in late January or early February.

- e. A team of highly-qualified, trained educators then spent four to six weeks conducting a holistic review of the semifinalists' complete application portfolios.
- f. Admissions offers were made to students by no later than the end of April. This timeline allowed for unsuccessful applicants to meet the deadlines for course selection for FCPS high schools, and as well as the admissions timetables for most area private and parochial schools, which typically have late Spring deadlines for enrollment in the next school year.

9. As part of the school system's commitment to equitable access and opportunities for all students, the TJ Admissions Process is regularly reviewed to identify ways that the process can be improved to better serve the community, without diminishing the quality of education at the school and while remaining faithful to its mission "to provide students with a challenging learning environment focused on math, science, and technology, to inspire joy at the prospect of discovery, and to foster a culture of innovation based on ethical behavior and the shared interests of humanity."

10. In the Fall of 2020, the School Board modified the admissions process for TJ for the upcoming 2021-22 school year.

- a. On September 15, 2020, the Division Superintendent at a public work session proposed to the School Board to make multiple changes to the TJ Admissions Process. Those changes included eliminating the application fee, standardized assessment tests, and teacher recommendations. Those changes were intended to enhance the pool of talented applicants, remove potential barriers that were

keeping students from disadvantaged groups from applying or making it to the semifinalist rounds. Eliminating the application fee would remove a financial barrier that prevented some students from seeking admission. Eliminating the standardized admissions tests would remove a barrier that prevented many students from disadvantaged backgrounds from continuing to the qualitative-assessment portion of the admissions process. Eliminating teacher recommendations would remove the subjectivity that may have worked against applicants from disadvantaged groups. The proposed changes also included raising the minimum GPA from 3.0 to 3.5 and using a merits-based lottery to select among a pool of qualified applicants. The School Board did not act on either proposal on September 15, 2020.

- b. On October 6, 2020, the School Board voted to eliminate the \$100 application fee and the standardized testing as part of the TJ Admissions Process for students applying to enter in Fall 2021. It also directed the Superintendent to increase the size of the admitted class from 480 students to 550. It did not decide the remaining components of the admissions process at that time. The School Board's decision on October 6 enabled us to forgo arranging the ACT Aspire and Insight Assessment (Quant-Q) testing that would ordinarily have been administered before the end of November.
- c. In November 2020, the Superintendent presented two proposals for the remaining components of the process. The first proposal would use a hybrid merit-based lottery, under which the 100 highest-qualified applicants would be offered admission, while the remaining 450 seats would be allocated among the other

qualified applicants through a lottery. The second proposal would offer admission to 550 8th graders who met the eligibility criteria and received high evaluation ratings. Students would be admitted based on the region (Fairfax County) or school division (other participating divisions) in which they reside, with caps on the number admitted from each.

- d. On December 17, 2020, the School Board voted on changes to other components of the TJ Admissions Process. Those changes included raising the floor for eligibility by increasing the minimum unweighted GPA from 3.0 to 3.5, and requiring 8th-grade applicants to be enrolled in a full-year honors Algebra I course or higher, an honors science course, and at least one other honors course or the Young Scholars program. Those changes also included eliminating the teacher recommendation component, but retaining the qualitative assessment components. Instead of capping the number of students admitted from each region, the School Board decided that each middle school should be allocated seats equivalent to 1.5% of its 8th-grade class size, with seats offered in the first instance to the top 1.5% of eligible applicants from that school. Even if each middle school's 1.5% allocation were completely filled, approximately 100 seats at TJ would remain to be allocated among private-school and home-schooled students, as well as other eligible students who ranked below the top 1.5% of applicants from their middle school.
- e. Our staff did not conduct any analysis to predict how the top-1.5% plan would affect the racial makeup of students admitted to TJ under the new admissions process.

- f. The application window for 9th-grade admissions opened on February 1 and remained open through February 26, 2021.
- g. We administered the qualitative assessment portion on March 15, 2021, with a make-up date on April 12, 2021. Our admissions evaluators began reviewing candidates for admission on May 3, 2021. We expect to complete the holistic review process and notify students about admission decisions in June 2021.

11. I understand that the Plaintiff in this case contends that the top-1.5% plan operates as a cap or a ceiling on the maximum number of students who may be admitted from each middle school to TJ. That is not correct. The top-1.5% plan operates at most as a floor on the number of eligible students who may be admitted from each public middle school. All remaining eligible applicants will be considered for admission even after their middle school's allocated seats have been filled. As noted above, there will be at least 100 other, unallocated seats available for such students. In addition, the number of unallocated seats will increase beyond that number to the extent that the allocated seats for the top 1.5% of students from each public middle school go unfilled.

12. On April 28, 2021, the Superintendent promulgated Regulation 3355.14 to incorporate and implement the policy changes adopted by the School Board in revising the admissions policy for TJ. A true and accurate copy is attached as Exhibit B.

13. A total of 3,470 students have applied to TJ in this admissions cycle from 130 different schools (including 13 home-school students). The number of applicants is significantly higher under the new admissions process compared to prior years (2,543 students in 2020; 2,771 in 2019; and 3,159 in 2018).

14. As Director of Admissions for TJ, I am responsible for overseeing the admissions process. I have ensured that the admissions process is following this requirement in the regulation:

[T]he admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. Candidate name, race, ethnicity, or sex collected on the application form will not be provided to admissions evaluators. Each applicant will be identified to the evaluators only by an applicant number (student ID number for FCPS students; applicant ID number for non-FCPS students).

FCPS Regulation 3355.14.V.A.3.b.

15. At this late date in the process, it is simply not feasible to revert to using the prior admissions process for the 2020-21 school year. There are students who would have been eligible for admission under the prior application process who had a 3.0 GPA or higher but who are not eligible under the new policy, which requires a minimum 3.5 GPA. Thus, we would have to reopen the admission process in its entirety.

16. In addition, there is not enough time to conduct the standardized testing required under the previous admissions policy before the new school year starts on August 23, 2021. The current testing window for the ACT Aspire Reading and Science exams ends May 21, the deadline for ordering examination materials was April 16, 2021, and the enrollment deadline was April 9. I have not been able to determine the next available testing window, but last year it was not until September.

17. The Quant-Q exam is not subject to a testing window like the ACT Aspire exams, but there would be both a cost factor and a delay factor if the school system were ordered to revert to requiring the Quant-Q exam alone.

- a. The cost of administering the Quant-Q exam would be approximately \$72,000.

This consists of ordering an estimated 3,000 exams to be administered at a cost of

approximately \$39,000 (based on 2019 costs) and \$33,000 for the costs of proctoring the exams in a face-to-face environment (based on our actual costs in 2019). I have assumed for this estimate that we could undertake a sole-source procurement for these examinations, since our prior contract has expired.

- b. As for the delay factor, the earliest that we could administer the Quant-Q exam would be in mid-July, assuming we are directed on May 21 to conduct such testing. Redoing the admissions process thereafter would take at least 6-8 weeks. That time would be needed for the scoring of the exam to be returned and for the admissions staff to evaluate the candidates and select the class. If that delay occurred, even working at maximum capacity (including weekends), we would not be able to announce admissions decisions until mid-September at the earliest and possibly not until October. Thus, the release of decisions could not occur until after the start of the school year on August 23, 2021.

18. While timing is the biggest problem with reverting to last year's TJ Admissions Process at this point, it is not the only problem. Before the COVID-19 pandemic, it took weeks of planning and coordination to meet that requirement. In November 2019, for example, FCPS administered the two ACT Aspire tests and the Quant-Q at 16 testing sites, to approximately 2,500 applicants. In the weeks leading up to the exams, counselors at each site recruited teachers and staff to serve as test supervisors, examiners, and proctors. Staff were paid an hourly stipend for this additional work. In November 2019, a total of 196 extra personnel—16 test site supervisors, 120 test examiners, and 60 proctors—were used to administer the tests. While, the amount of time for the examination would be reduced by not administering the ACT Aspire exams, the same number of test sites combined with personnel would be required to administer

the Quant-Q exam. Additional personnel would be required to provide face-to-face, in-person monitoring, while still complying with revised social distancing requirements. It would be very difficult if not impossible to find that many people to come to work during the summer, when the large majority of FCPS and participating jurisdiction staff are not on contract and potentially more reluctant to return to school to proctor an exam.


19. An injunction that requires a new admissions process would be extremely disruptive to the nearly 3,500 students who have already applied for admission to the freshman class at TJ. Those students currently understand that they have completed all application requirements; they are simply waiting for an admissions decision. Those students would have to pay the previous \$100 application fee or seek a waiver. They would have to take at least the Quant Q exam when they were not expecting it. (As noted above, the ACT Aspire exams will not be available before the start of new school year.) Returning to the old process would also require that those students identify two teachers to write recommendation letters, including one math or science teacher. If that occurred after the end of the school year, when teachers are no longer on contract, it could be difficult for students to secure recommendation letters.

20. Because such an injunction would also require our admissions process to start over, it would render useless the ongoing work of our admissions evaluators under the current admissions policy. We have 85 personnel working as admissions evaluators. They began their work on May 3, 2021 and are expected to complete it by May 28, including working on weekends. This will enable us to release decisions by the third or fourth week of June. I expect this stage of the admissions process at TJ to require approximately 3,400 hours of personnel time. If our admissions office must redo the evaluation process this summer, we will need to pay

stipends to evaluators (who are not employed on year-long contracts). The cost of doing that (at our current cost of \$35.12 per hour) would be approximately \$119,408.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 4, 2021.



Jeremy Shughart

Attachments:

Exhibit A
Exhibit B

Regulation 3355.13
Superintendent's Office
TJHSST Admissions
Effective 7/18/18

INSTRUCTION

Special Programs

Thomas Jefferson High School for Science and Technology (TJHSST)

This regulation supersedes Regulation 3355.12.

I. PURPOSE

To establish TJHSST as a Fairfax County public school and as one of the academic-year regional governor's schools for science and technology.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. Sections V.A.1., V.A.3.a., V.A.5.b., and V.A.6.a. have been updated.
- B. Sections V.B.1., V.B.2.a. (4), V.B.3., and V.B.4. have been revised for clarity.
- C. Section VI has been revised to reflect updates in staff titles and department changes.
- D. Section VII.B. has been updated.
- E. Section IX.A. has been updated to reflect new graduation requirements.
- F. Section IX.C. has been revised for clarity.
- G. Section X.B.2. has been revised for clarity.

III. DESIGNATION AS A FAIRFAX COUNTY PUBLIC SCHOOL

TJHSST is a Fairfax County public school, having opened in 1985 under the sole direction and control of the Fairfax County School Board. As a Fairfax County Public Schools (FCPS) institution, all policies and regulations governing FCPS are applicable to TJHSST, with exceptions listed in this regulation and in annual notices issued in connection with this regulation.

IV. DESIGNATION AS AN ACADEMIC-YEAR GOVERNOR'S SCHOOL FOR SCIENCE AND TECHNOLOGY

TJHSST is annually designated by the Virginia Department of Education as an academic-year regional governor's school for science and technology. Such

designation:

- A. Provides certain state funding for the operation of the school.
- B. Requires that the school be available to eligible students whose parent(s) and/or legal guardian(s) is a full-time resident(s) of, and meets all the residency requirements of, the counties and cities of Northern Virginia under the following provisions:
 - 1. That each of the school divisions decide annually whether or not to participate in the regional school. School divisions choosing to participate are designated as cooperating school divisions.
 - 2. That eligible students from each cooperating school division may apply and be considered for admission to the school. The Division Superintendent may return a student to the cooperating jurisdiction with a prorated share of the tuition reimbursed.
 - 3. That the percentage of students admitted as part of any entering class from any cooperating school division outside Fairfax County will not exceed the percentage represented by that school division's portion of the entire population, as of the end of the last school year, at the grade level for which entrants are being determined.
- C. Requires a cooperative agreement regarding such control and operation of the school, which includes, but is not restricted to, provisions that:
 - 1. The school is a FCPS institution under the sole direction and control of the Fairfax County School Board.
 - 2. No regional governing body is created.
 - 3. Superintendents or his or her respective designees from cooperating school divisions so identified may, at their discretion, serve as an advisory group to the Superintendent of FCPS.
 - 4. FCPS will call and conduct meetings of the advisory group defined in Section IV.C.3. above.
 - 5. Each cooperating school division shall pay a per student tuition charge that shall be fixed annually by the cooperative agreement.
 - 6. The nonrefundable tuition paid by cooperating school divisions will be due December 1 of each year for the students from that school division who are enrolled in the school on September 30 of that year.
 - 7. Transportation for students attending TJHSST is the responsibility of, and is at the discretion of, the cooperating school division in which the student resides.

8. A processing fee is required for application to TJHSST. See the current version of Notice 5922, Student Fees.
9. FCPS will provide the necessary forms and materials and staff orientation, as required, and will schedule and conduct requisite examinations, scoring, and reporting of admissions results.

V. STUDENT SELECTION AND ADMISSIONS PROCEDURES

Each year TJHSST will admit approximately 480 ninth grade students who have committed to an intensive program focused on science, technology, engineering, and mathematics. No twelfth grade students will be admitted; however, tenth or eleventh grade students may be admitted by a placement process. See Section IV.B.

A. Selection of Ninth Grade Students

1. Eligibility Requirements

Applicants for admission to the school must reside with a parent and/or legal guardian who is a full-time resident of, and meets all of the residency requirements of, one of the cooperating school divisions throughout the application and decision process. Proof of residency in one of the cooperating school divisions will be required at the time of application for students enrolled in private schools or homeschooled. Applicants must be enrolled in grade 8 in any private or public school in the academic year preceding the year for which admission is sought. A student may not apply twice as an eighth grader into the ninth grade except in the case of extenuating circumstances. Enrollment in algebra 1 or a higher level mathematics course in grade 8 is a condition of eligibility.

2. Selection Criteria

Applicants will be selected using the following criteria:

- a. Aptitude for successful study of science, technology, engineering, and mathematics.
- b. Record of exceptional academic achievement.
- c. Commitment, intellectual curiosity, passion, and creativity in the study of science, technology, engineering, and mathematics.
- d. Background, skills, or experiences that promote the School Board's goal of providing diversity in the student body to enhance a unique learning experience and to develop future leaders.

3. Methods and Instruments of Measurement

- a. Exceptional quantitative skills, interest and aptitude for successful study of

science, technology, engineering and mathematics will be measured by admissions criteria.

- b. Prior exceptional academic achievement will be determined by the grade point average (GPA), which is an average of final marks earned in English, social studies, mathematics, and science in grade 7 and the first quarter marks in English, social studies, mathematics, science, and foreign language, if taken for high school credit, in grade 8, for determination of the semifinalist pool. After the semifinalist pool is established, final marks in grade 7 and first and second quarter in mathematics and science in grade 8 will be calculated for inclusion in the holistic review.
- c. Commitment, intellectual curiosity, passion and creativity in the study of science, technology, engineering, and mathematics will be determined by:
 - (1) Applicant responses to one essay question.
 - (2) Applicant responses on a student information sheet.
 - (3) Recommendations of one science or mathematics teacher and of one other teacher chosen by the applicant.
- d. Background, skills, or experience that promote the School Board's goal of providing diversity in the student body to enhance a unique learning experience and to develop future leaders will be determined by:
 - (1) Applicant responses to one essay question.
 - (2) Applicant responses on a student information sheet.
 - (3) Recommendations of one science or mathematics teacher and of one other teacher chosen by the applicant.
 - (4) Data from the original applicant's application form.

The admissions committee shall consider all these factors as part of the review process, designed to identify diverse student body consistent with the school's mission.

4. Admissions Calendar

The application deadline dates will be set each year and published in Notice 3355, Thomas Jefferson High School for Science and Technology Admissions Procedures. The application deadline for all eligible students seeking admission to the ninth grade will be no later than December 15 of the year preceding the year for which admission is sought. An exception is granted for students who become eligible by virtue of enrollment in a cooperating school division after September 30 of that year; the application deadline for those students will be no later than June 15 immediately preceding the academic year for which admission

is sought. See Section V.A.6.

5. Ninth Grade Admissions Process—Winter Round

The admissions process will be conducted by the admissions office of TJHSST. The admissions process will be completely independent of the TJHSST staff, except that the principal or designated school staff members will provide each year for the admissions office a profile of the last class of ninth, tenth, and eleventh grade successful applicants. This profile, along with other related data, will provide information and recommendations for improvement and refinement of the admissions process.

a. Admissions Process

Eligible students are assisted in making application by a local school counselor designated as that school's official contact with the admissions office.

b. Testing Procedure

The admission examination is administered in late November/early December, with a makeup testing date during the following week of the regular test date or for applicants who require special testing conditions. Test dates and test centers will be set each year and published in Notice 3355.

c. Selection Procedure

- (1) To achieve the annual enrollment objective, a maximum of five percent of the student spaces will be reserved for summer applicants in the summer round of the selection process.
- (2) The GPA and test score will be used to determine semi-finalist status.
- (3) Students not included in the semifinalist pool will be notified as soon as possible after the examination and will receive their test scores at that time.
- (4) Each member of the semifinalist pool must submit a student-authored information sheet, one essay, and provide two teacher recommendations.
- (5) Selection committee members are appointed by the Division Superintendent or his or her designee. Each committee will include school-based and central administration personnel, such as teachers, counselors, or administrators (retired or active), from FCPS or from the cooperating school divisions.
- (6) Applicant notification of the decisions regarding admissions will be no later than April 30 each year.
- (7) The admissions committee shall consider the entire application, including

all these factors, as part of an individualized and holistic review designed to identify a talented, committed, and diverse student body consistent with the school's mission

- (8) A standing committee appointed by the Division Superintendent or his or her designee will be used to make final admissions decisions.

6. Ninth Grade Admissions Process—Summer Round

The procedures for the summer round of admissions are identical to those for the winter round selection process; see Section V.A.5., except that:

- a. Student application materials will be reviewed by the admissions committee, consisting of members who participated in the winter round selection process.
- b. All summer applicants will be notified of the decisions regarding admission no later than July 15. Students on the winter round waiting list will be offered admission at that time, if additional space is available.
- c. Students applying during summer round must have already completed algebra 1 during the eighth grade year.

B. Placement of Tenth and Eleventh Grade Students

Eligible ninth and tenth grade students may be considered for admission as tenth or eleventh grade students respectively at TJHSST if space is available. Spaces available will be determined by the admissions office and the principal, taking into account attrition rates. Applications for admission to the tenth or eleventh grades will not be considered midyear.

1. Eligibility Requirements

Applicants for admission to the school must reside with a parent and/or legal guardian who is a full-time resident of, and meets all of the residency requirements of, one of the cooperating school divisions throughout the application and decision process. Proof of residency in one of the cooperating school divisions will be required at the time of application for students enrolled in private schools or homeschooled. Applicants to grade 10 must be enrolled in grade 9 in any private or public school during the academic year preceding the year for which admission is requested. Applicants to the eleventh grade must be enrolled in grade 10 in any private or public school during the academic year preceding the year for which admission is requested. Eligible tenth graders applying to the eleventh grade are those who have not applied previously to TJHSST or those who have just moved to a cooperating school division.

2. Evaluation of Sophomore and Junior Applications

Sophomore and junior applicants are evaluated on the basis of:

- a. Aptitude, achievement, and interest in the study of science, mathematics, computer science, and related technological fields evidenced by:
 - (1) A student-authored information and data sheet and essays.
 - (2) Marks in mathematics, science, computer science, English, social studies, foreign language, and technology-related courses.
 - (3) Recommendations from current mathematics teacher, current science teacher, and one other adult chosen by the applicant.
 - (4) Test scores, as deemed appropriate.
- b. Readiness for research, experimentation, or independent study in one of the school's technology laboratories, evidenced by successful science fair projects and/or other experiences, activities, or projects (in or out of school) in science, engineering, computer science, and other areas of technology.

The admissions committee shall consider the entire application, including all these factors, as part of an individualized and holistic review designed to identify a talented, committed, and diverse student body consistent with the school's mission.

3. Credits Required for Grade 10 Application

Completion of the following specified graduation credits prior to the beginning of the sophomore year is required for those requesting placement into the tenth grade:

English 9	1 credit
World Language	1 credit
Mathematics (Algebra 1, Geometry)	2 credits
Biology	1 credit
Health and Physical Education	1 credit
Elective (Technology preferred)	1 credit

4. Credits Required for Grade 11 Application

Completion of the following specified graduation credits prior to the beginning of the junior year is required for those requesting placement into the eleventh grade:

English 9 and 10	2 credits
Biology	1 credit
Chemistry	1 credit
World Language	1 credit (2 recommended)
Mathematics (Alg. 1, Geom., Alg. 2)	3 credits
Health and Physical Education	2 credits
World History and Geography 2	1 credit
Elective (Technology preferred)	1 credit

Students accepted into the eleventh grade with all the above credits would still need to take at least 13 additional credits to complete the graduation requirements for the TJHSST diploma. (See Section IX, Graduation Requirements.)

5. Tenth and Eleventh Grade Admission Process

The admissions process for tenth and eleventh grade students will be conducted by the admissions office of TJHSST.

a. Application Calendar

An application deadline for eligible ninth and tenth grade students will be set each year and published in Notice 3355. The application deadline for all eligible students seeking admission to the tenth or eleventh grade will be no later than June 15 immediately preceding the academic year for which admission is sought.

b. Admissions Process

Eligible students are assisted in making request for placement by the admissions office or by a local school counselor designated as that school's official contact with the admissions office.

c. Selection Procedure

(1) Students' records are reviewed by the admissions office and by a committee of faculty and staff members of TJHSST to determine which students have met all prerequisite courses and educational experience requirements.

(2) All students requesting placement will be notified of decisions by the admissions office no later than July 15 of each year.

VI. Appeals

A. Level 1 Appeal: Application Review

1. After receiving official notice of the admissions decision and within 10 business days of admissions decision announcement, if a parent and/or guardian disagrees with the decision, they may pursue an Application Review. The Application Review will ensure all admissions processes were accurately completed and the decision was correct. This process may include a meeting with the director of admissions and/or the Chief Academic and Equity Officer.
2. The decision of the Level 1 Appeal will be communicated to the parent and/or guardian in writing.

B. Level 2 Appeal: Exceptional Circumstances

1. A Level 2 Appeal form must be submitted within 10 business days after the Level 1 Appeal has been concluded. The Level 2 Appeal form will ask the parent and/or guardian to provide a written explanation of the exceptional circumstance that the Appeals Committee is to consider.
2. The Level 2 Appeal form must be submitted to the TJHSST Admissions Office. The TJHSST Admissions Office will ensure all appeal documents are submitted to the Appeals Committee. The parent and/or guardian is not allowed to submit additional credentials, documents or letters of recommendation.
3. The Appeals Committee will review the appeal.
4. The decision of the Appeals Committee will be communicated to the parent and/or guardian in writing and the Appeals Committee decision shall be final.

VII. RESIDENCY REQUIREMENTS

A. Continuing Residency Requirement

1. A parent and/or legal guardian of an admitted student must complete a residency verification form in order to register the student at TJHSST.
2. A student who is admitted to TJHSST must at all times continue to reside with a parent and/or guardian who is a full-time resident, and meets the residency requirements.

B. Change of Address Within Cooperating School Divisions

1. All changes of address from the time of application through graduation must be reported to the student services office immediately upon change of address. If there is a change of address, a parent and/or legal guardian must complete a new Residency Verification form with the school student services department.
2. If a student and his or her parent(s) or legal guardian(s) change their domicile to a location in another cooperating school division, the parent(s) and/or legal guardian(s) must verify the cooperating school division's percentage has not been exceeded for the student's class at TJHSST before any change of domicile.
3. A student who changes his or her domicile to a cooperating school division that has exceeded its percentage for the student's class at TJHSST may not continue to attend TJHSST.

VIII. STUDENT WITHDRAWAL AND REENTRY

A. Permanent Withdrawal

A student who is enrolled in TJHSST may at any time, with parental permission, voluntarily withdraw from the school and enroll in the public high school that serves the student's residential location or in the private school of his or her choice. A student who voluntarily withdraws from TJHSST during grade 9 is eligible to

reapply for admission to grade 10 at TJHSST, but readmission is not guaranteed. A student who voluntarily withdraws after grade 9 is not eligible to reapply to TJHSST.

B. Temporary Withdrawal

A student enrolled for at least one full academic year in TJHSST may withdraw for only one full academic year and be guaranteed automatic reentry provided all of the three following conditions are met:

1. The student and parents change their domicile to a location outside the boundaries of the cooperating jurisdictions for one full academic year but return to a cooperating school division whose percentage has not been exceeded for the class that the student seeks to reenter prior to reentry.
2. The student obtains (prior to the temporary withdrawal date), from the principal, written approval of the plan for the student's academic program during the withdrawal period.
3. The student successfully completes the proposed academic program and can meet the graduation requirements of TJHSST at the expected time of graduation for the class in which the student was originally enrolled.

IX. GRADUATION REQUIREMENTS

- A. The requirement for a student to earn a diploma shall be those in effect when the student enters the 9th grade for the first time. The following applies to 9th grade students who enter high school in 2013-14 and beyond.

To graduate from high school with an Advanced Studies Diploma, students shall meet the minimum requirements as outlined below which include 26 credits, 9 of which must be verified credits. A **standard** credit is earned when a student passes a course. A **verified** credit is earned when a student passes a course and the associated end-of-course SOL test. In some cases, student may utilize substitute tests or certifications to earn verified credits. State guidelines prescribe the number of verified credits required for graduation for students entering a Virginia public high school for the first time during tenth grade or after. Consult your school counselor for specific information.

Students receive credit toward graduation for high school courses taken and passed in middle school. These courses count toward credits in the required sequences as well as toward the total number of credits required for graduation and calculation of the grade point average (GPA). **Middle school parents may request that grades for any high school credit-bearing course taken in the middle school be removed from the student's high school transcript, and therefore the student will not earn high school credit for the course. In addition, the student will not be eligible for a verified credit in any course which has been removed from the transcript. The request to remove a course from the transcript must be made in writing to the middle or high school the student will attend the following year prior to the end of the first nine weeks.**

Advanced Studies Diploma Course Requirements (8 VAC 20-131-50)			
Subject Area	Standard Credits	Verified Credits	Jefferson Diploma ¹
English	4	2	4
Mathematics ¹	4	2	4 ⁷
Laboratory Science ²	4	2	4
History and Social Science ³	4	2	4 ⁸
*World Language ⁴	3		3 ⁹
Health and Physical Education	2		2
Fine Arts or Career and Technical Ed.	1		1 ¹⁰
Economics and Personal Finance	1		1
Electives	3		3 ¹¹
Student Selected Test ⁵		1	
Total Credits ⁶	26	9	26

*Foreign Language is designated World Language in FCPS.

1 Courses completed to satisfy this requirement shall include at least three different course selections from among: algebra I, geometry, algebra II, or other mathematics courses above the level of algebra II. The Board of Education shall approve courses to satisfy this requirement.

2 Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The Board shall approve courses to satisfy this requirement. Biology, chemistry, physics, and geosystems are required courses for all students.

3 Courses completed to satisfy this requirement shall include U.S. and Virginia history, U.S. and Virginia government, and world history/geography I and world history/geography II. AP world history satisfies the requirement for world history/geography II.

4 Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.

5 A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education, economics, or other areas as prescribed by the Board in 8 VAC 20-131-110.

6 Students shall successfully complete one virtual course, which may be a noncredit-bearing course, or may be a course required to earn this diploma that is offered online.

7 Does not include algebra I which is required for application and/or admission. Math sequence must terminate in at least AP calculus (AB or BC)

8 World history & geography 2, US/VA history, US/VA government. The fourth social studies requirement can be acquired by any non-AP social studies credit available at TJHSST.

9 Must have three consecutive years of the same language – Footnote #4 does not apply for the TJ Diploma.

10 The credit is earned via design & technology required for all matriculating students.

11 Computer science, senior research/mentorship, & an additional credit in math, science, technology, fine arts, or a fourth consecutive credit in world language must be taken to fulfill these 'elective' credits.

B. Exemption from the TJHSST Diploma Requirement

An enrolled student in the senior year may be granted an exemption, under exceptional circumstances, by the director of student services and the principal, from meeting the requirements for graduation from TJHSST if the student meets local and state requirements for graduation. A student who is granted an exemption from the TJHSST diploma may receive a generic diploma from FCPS and may participate in the TJHSST graduation ceremony.

C. Graduation Credit by Alternate Methods

Alternate methods of earning credit for graduation from TJHSST require approvals, before beginning any study or program, of the director of student services and the principal. Alternate methods must be ones sanctioned by the Virginia Board of Education and Fairfax County School Board directives.

X. ACADEMIC STANDARDS AND PROCEDURES

A. Academic Standards

An enrolled student shall maintain a cumulative B average (unweighted 3.0 grade point average) at the end of each school year in order to remain a student in good standing at TJHSST.

B. Academic Standards Procedure

1. For any student who is experiencing academic difficulty during the school year, TJHSST teachers and staff members will develop and document intervention strategies to help the student be academically successful at TJHSST.
2. At the end of the school year, if the student does not maintain the needed course of studies or fails to maintain a cumulative B average (unweighted 3.0 grade point average), the student may return to his or her base school. When there are exceptional circumstances, the parent can request consideration to the director of student services, the principal, and the regional assistant superintendent or his or her designee.

XI. CURRICULUM

The curriculum for TJHSST includes selected courses prescribed in the FCPS Program of Studies, as well as courses designed to explore new structures and methods in the sciences, technology, mathematics, humanities, and the arts. The curriculum for TJHSST must meet state governor's high school and FCPS academic requirements.

XII. PROGRAM

The eight-period day consists of seven academic classes and one required activity period. Students do not attend each course every day. Flexible scheduling allows all classes to meet for two double periods and one single period each week.

XIII. EXTRACURRICULAR ACTIVITIES

The extracurricular activities program for TJHSST is the same comprehensive extracurricular activities program, including athletics, as that approved for other high schools in FCPS. Any approved activity will be provided if sufficient student interest and participation exist.

Any student who transfers from TJHSST with no legal change in domicile will be ineligible, according to the Virginia High School League transfer rules, to participate for one semester in Virginia High School League-sanctioned activities of any Virginia high school.

XIV. PERSONNEL AND STAFFING

Staffing and personnel policies for TJHSST that differ from staffing and personnel policies for other Fairfax County public schools include the following:

- A. All instructional staff members will be employed for at least eight hours each working day.
- B. All instructional staff members will receive a salary scale adjustment.
- C. Criteria by which instructional staff members are selected will be determined by the Department of Human Resources with assistance from the administrative staff of TJHSST.

Legal reference: 8 VAC 20-131-110

See also the current version of:

- Notice 3355, Thomas Jefferson High School for Science and Technology Admissions Procedures
- Notice 5922, Student Fees
- Policy 3355, High School for Science and Technology Notice 5533, Thomas
- Regulation 2431, Middle School Teacher's Guide: Grading and Reporting to Parents
- Regulation 2460, Requirements for Graduation and Graduation Seals of Achievement

FAIRFAX COUNTY PUBLIC SCHOOLS

Regulation 3355.14
Superintendent's Office
TJHSST Admissions
Effective 04/28/2021

INSTRUCTION

Special Programs

Thomas Jefferson High School for Science and Technology (TJHSST)

This regulation supersedes Regulation 3355.13.

I. PURPOSE

To establish TJHSST as a Fairfax County public school and as one of the academic-year regional governor's schools for science and technology.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. Sections V.A.1., V.A.3.a., V.A.5.b., and V.A.6.a. have been updated.
- B. Sections V.B.1., V.B.2.a. (4), V.B.3., and V.B.4. have been revised for clarity.
- C. Section VI has been revised to reflect updates in staff titles and department changes.
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III. DESIGNATION AS A FAIRFAX COUNTY PUBLIC SCHOOL

TJHSST is a Fairfax County public school, having opened in 1985 under the sole direction and control of the Fairfax County School Board. As a Fairfax County Public Schools (FCPS) institution, all policies and regulations governing FCPS are applicable to TJHSST, with exceptions listed in this regulation and in annual notices issued in connection with this regulation.

IV. DESIGNATION AS AN ACADEMIC-YEAR GOVERNOR'S SCHOOL FOR SCIENCE AND TECHNOLOGY

TJHSST is annually designated by the Virginia Department of Education as an academic-year regional governor's school for science and technology. Such

designation:

- A. Provides certain state funding for the operation of the school.
- B. Requires that the school be available to eligible students whose parent(s) and/or legal guardian(s) is a full-time resident(s) of, and meets all the residency requirements of, the counties and cities of Northern Virginia under the following provisions:
 - 1. That each of the school divisions decide annually whether or not to participate in the regional school. School divisions choosing to participate are designated as cooperating school divisions.
 - 2. That eligible students from each cooperating school division may apply and be considered for admission to the school. The Division Superintendent may return a student to the cooperating jurisdiction with a prorated share of the tuition reimbursed.
- C. Requires a cooperative agreement regarding such control and operation of the school, which includes, but is not restricted to, provisions that:
 - 1. The school is a FCPS institution under the sole direction and control of the Fairfax County School Board.
 - 2. Superintendents or their respective designees from cooperating school divisions may, at their discretion, serve as an advisory group to the Superintendent of FCPS.
 - 3. FCPS will call and conduct meetings of the advisory group defined in Section IV.C.2. above.
 - 4. Each cooperating school division must pay a per student tuition charge that will be fixed annually by the cooperative agreement.
 - 5. The nonrefundable tuition paid by cooperating school divisions will be due December 1 of each year for the students from that school division who are enrolled in the school on September 30 of that year.
 - 6. Transportation for students attending TJHSST is the responsibility of, and is at the discretion of, the cooperating school division in which the student resides.
 - 7. FCPS will provide the necessary forms and materials and staff orientation, as required, and will schedule and conduct requisite examinations, scoring, and reporting of admissions results.

V. STUDENT SELECTION AND ADMISSIONS PROCEDURES

Each year TJHSST will admit approximately 550 ninth-grade students who have

committed to an intensive program focused on science, technology, engineering, and mathematics. No twelfth-grade students will be admitted; however, tenth or eleventh-grade students may be admitted by a placement process. See Section IV.B.

A. Selection of Ninth-Grade Students

1. Eligibility Requirements

- a. Residency. To be eligible for consideration, all applicants for admission to the school must reside with a parent and/or legal guardian who is a full-time resident of, and meets all of the residency requirements of, one of the cooperating school divisions throughout the application and decision process. Applicants enrolled in private school or homeschooled will be required to submit proof of residency in one of the cooperating school divisions at the time of application. Applicants must be enrolled in grade 8 in any private, homeschool or public school in the academic year preceding the year for which admission is sought. A student may not apply twice as an eighth grader into the ninth grade except in the case of extenuating circumstances.
- b. Course Prerequisites. To be eligible for consideration, applicants must be: (1) currently enrolled in, or have previously completed algebra 1, (2) enrolled in a full-year course of honors-level algebra 1 or a higher level honors mathematics course; (3) enrolled in honors science and one additional course or identified as a “Young Scholar”; and (4) have a 3.5 or higher GPA in all four core academic courses (math, science, history/civics, English/language arts and world language if taken for high school credit) at the time of application.

2. Selection Criteria

Applicants will be selected using criteria that consider only the following:

- a. Aptitude for successful study of science, technology, engineering, and mathematics.
- b. Record of exceptional academic achievement.
- c. Commitment, intellectual curiosity, passion, and creativity in the study of science, technology, engineering, and mathematics.
- d. Background, skills, or experiences that promote 21st Century Skills and develop future leaders; demonstrate the outstanding attributes of a communicator, collaborator, an ethical and global citizen, a creative and critical thinker, and a goal-directed and resilient individual; and qualities that enrich and cultivate diversity to enhance the learning experience for all students.

3. Methods and Instruments of Measurement

(a) In addition to each applicant's academic record, including GPA and coursework, admissions evaluators will consider:

- (1) Applicant responses to one problem-solving essay question.
- (2) Applicant responses on a student portrait sheet.
- (3) Background of educational challenges, specifically whether students are (or were) identified as English language learners, economically disadvantaged, eligible for special education services or attending a historically under-represented public middle school.

A public school is considered historically “underrepresented” if its average number of attending students offered admission to TJHSST based on the previous five years is at least three standard deviations below the school with the highest average number during the same period. For example, based on 9th grade admissions for the five years comprising the Classes of 2019 through 2024, the middle school with the highest five-year average of admitted students averaged 44 admission offers per year. Among all FCPS middle schools, the standard deviation of these five-year averages during the same period was 13. Based on this data, for Class of 2025 admissions, a middle school will be considered “underrepresented” if its average number of students offered admission to the Classes of 2019 through 2024 was five students or less per year (highest average minus three standard deviations, i.e., $44 - (3 \times 13)$). This same approach will be applied to other sending school divisions to identify underrepresented public schools in all participating jurisdictions, except Falls Church City, which has only one middle school. Underrepresented public schools will be identified each year based on the last five years of admissions data. The schools that are considered “underrepresented public middle schools” for that admissions cycle will be identified on the TJHSST admissions site and updated annually.

(b) In accordance with the policy directive of the School Board, the admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. Candidate name, race, ethnicity, or sex collected on the application form will not be provided to admissions evaluators. Each applicant will be identified to the evaluators only by an applicant number (student ID number for FCPS students; applicant ID number for non-FCPS students).

4. Admissions Calendar

The application deadline dates will be set each year and published in Notice 3355, Thomas Jefferson High School for Science and Technology Admissions Procedures. Starting with applicants for the Class of 2026, the application deadline for all eligible students seeking admission to the ninth grade will be no later than December 15 of the year preceding the year for which admission is sought. See Section V.A.6.

5. Ninth-Grade Admissions Process—Winter Round

The admissions process will be conducted by the admissions office of TJHSST. The admissions process will be completely independent of the TJHSST staff, except that the principal or designated school staff members will provide each year for the admissions office a profile of the last class of ninth, tenth, and eleventh grade successful applicants. This profile, along with other related data, will provide information and recommendations for improvement and refinement of the admissions process.

(a) Admissions Process

- (1) Students are assisted in making application by a local school counselor designated as that school's official contact with the admissions office.
- (2) Applications are screened for eligibility by admissions staff (See section V.A.1.a & b).
- (3) Students who meet the eligibility criteria are administered short answer and essay exams in a proctored environment (See Notice 3355) [See section V.3.a.(1) & (2)].
- (4) Complete application packets are provided to admissions evaluators. Admissions evaluators are appointed by the Division Superintendent or his or her designee. Evaluators will include school-based and central-administration personnel, such as teachers, counselors, or administrators (retired or active), from FCPS or from the cooperating school divisions.
- (5) Starting with the Class of 2026, Applicant notification of the decisions regarding admissions will be no later than April 30 each year.

(b) Seat Allocation Process. Each public school within Fairfax County and each cooperating school division will be presumptively allocated a number of seats equal to 1.5% of that school's 8th grade student population ("Allocated Seats"). The remainder of seats will not be allocated to any specific public school ("Unallocated Seats"). In the event a school has fewer eligible applicants than its number of Allocated Seats, the difference will be treated as Unallocated Seats.

- (1) Allocated Seats. Applicants attending public school will be first evaluated against other applicants from the same school, and students with the strongest evaluated applications from that school will be offered admission.
- (2) Unallocated Seats. All remaining public school applicants and applicants who do not attend public school in Fairfax County or in a

cooperating division will be considered for the Unallocated Seats, which will be offered to the highest evaluated applicants in that group.

(c) Admissions Decisions. All applicants will receive a decision on their application; Offer, Waitpool or No Offer.

- (i) **Offer:** Applicants offered admission for the upcoming Fall (9th grade) year must accept or decline by the stated deadline. Accepting the offer means the applicant is choosing to attend TJHSST the next school year. No deferrals are permitted. Students who accept the offer will go through the registration process. Declining the offer means the applicant has decided not to attend TJHSST. The decision to decline the offer is final, and applicants will not be provided with an option to receive the offer at a later date.
- (ii) **Waitpool:** A waitpool of students will be created to offer additional students an opportunity to attend TJHSST when admitted applicants decline the offer of admission. Offers of admissions to students who have accepted to stay in the waitpool will be provided to the highest evaluated students remaining in the waitpool. Waitpool offers will continue to be made until all seats have been filled or until the beginning of the school year, which occurs first.
- (iii) **No Offer:** Some applicants will not receive an offer to attend or be included in the waitpool. No Offer applicants are eligible to re-apply for the Sophomore Round of Admissions the following year contingent they maintain eligibility.

B. Placement of Tenth and Eleventh-Grade Students

Eligible ninth and tenth-grade students may be considered for admission as tenth or eleventh grade students respectively at TJHSST, if space is available. Spaces available will be determined by the admissions office and the principal, taking into account attrition rates. Applications for admission to the tenth or eleventh grades will not be considered midyear.

1. Eligibility Requirements

Applicants for admission to the school must reside with a parent and/or legal guardian who is a full-time resident of, and meets all the residency requirements of, one of the cooperating school divisions throughout the application and decision process. Proof of residency in one of the cooperating school divisions will be required at the time of application for students enrolled in private schools or homeschooled. Applicants to grade 10 must be enrolled in grade 9 in any private or public school during the academic year preceding the year for which admission is requested. Applicants to the eleventh grade must be enrolled in grade 10 in any private or public school during the academic year preceding the year for which admission is requested. Eligible tenth graders applying to the eleventh grade are

those who have not applied previously to TJHSST or those who have just moved to a cooperating school division.

2. Evaluation of Sophomore and Junior Applications

Sophomore and junior applicants are evaluated on the basis of:

- a. Aptitude, achievement, and interest in the study of science, mathematics, computer science, and related technological fields evidenced by:

- (1) A student-authored information and data sheet and essays.
- (2) Marks in mathematics, science, computer science, English, social studies, foreign language, and technology-related courses.
- (3) Recommendations from current mathematics teacher, current science teacher, and one other adult chosen by the applicant.
- (4) Test scores, as deemed appropriate (optional for Sophomore applicants).

- b. Readiness for research, experimentation, or independent study in one of the school's technology laboratories, evidenced by successful science fair projects and/or other experiences, activities, or projects (in or out of school) in science, engineering, computer science, and other areas of technology.

The admissions committee will consider the entire application, including all these factors, as part of an individualized and holistic review designed to identify a talented, committed, and diverse student body consistent with the school's mission.

- c. The evaluation process will use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets.

3. Credits Required for Grade 10 Application

Completion of the following specified graduation credits prior to the beginning of the sophomore year is required for those requesting placement into the tenth grade:

English 9	1 credit
World Language	1 credit
Mathematics (Algebra 1, Geometry)	2 credits
Biology	1 credit
Health and Physical Education	1 credit
Elective (Technology preferred)	1 credit

4. Credits Required for Grade 11 Application

Completion of the following specified graduation credits prior to the beginning of the junior year is required for those requesting placement into the eleventh grade:

English 9 and 10	2 credits
Biology	1 credit
Chemistry	1 credit
World Language	1 credit (2 recommended)
Mathematics (Alg. 1, Geom., Alg. 2)	3 credits
Health and Physical Education	2 credits
World History and Geography 2	1 credit
Elective (Technology preferred)	1 credit

Students accepted into the eleventh grade with all the above credits would still need to take at least 13 additional credits to complete the graduation requirements for the TJHSST diploma. (See Section IX, Graduation Requirements.)

5. Tenth and Eleventh Grade Admission Process

The admissions process for tenth and eleventh grade students will be conducted by the admissions office of TJHSST.

a. Application Calendar

An application deadline for eligible ninth and tenth grade students will be set each year and published in Notice 3355. The application deadline for all eligible students seeking admission to the tenth or eleventh grade will be no later than June 15 immediately preceding the academic year for which admission is sought.

b. Admissions Process

Eligible students are assisted in making request for placement by the admissions office or by a local school counselor designated as that school's official contact with the admissions office.

c. Selection Procedure

- (1) Students' records are reviewed by the admissions office and by a committee of faculty and staff members of TJHSST to determine which students have met all prerequisite courses and educational experience requirements.
- (2) All students requesting placement will be notified of decisions by the admissions office no later than July 15 of each year.

VI. Appeals

A. Exceptional Circumstances Appeal

1. An Exceptional Circumstances Appeal form must be submitted within 10 business days after receiving official notice of the admissions decision. The Appeal form will ask the parent and/or guardian to provide a written explanation of the exceptional

circumstance that the Appeals Committee should consider.

2. The Appeal form must be submitted to the TJHSST Admissions Office. The TJHSST Admissions Office will ensure that all appeal documents are submitted to the Appeals Committee. The parent and/or guardian is not allowed to submit additional credentials, documents, or letters of recommendation.
3. The Appeals Committee will review the appeal.
4. The decision of the Appeals Committee will be communicated to the parent and/or guardian in writing and the Appeals Committee decision is final.

VII. RESIDENCY REQUIREMENTS

A. Continuing Residency Requirement

1. A parent and/or legal guardian of an admitted student must complete a residency verification form in order to register the student at TJHSST.
2. A student who is admitted to TJHSST must at all times continue to reside with a parent and/or guardian who is a full-time resident and meets the residency requirements.

B. Change of Address Within Cooperating School Divisions

1. All changes of address from the time of application through graduation must be reported to the student services office immediately upon change of address. If there is a change of address, a parent and/or legal guardian must complete a new Residency Verification form with the school student services department.
2. If a student and his or her parent(s) or legal guardian(s) change their domicile to a location in another cooperating school division, the parent(s) and/or legal guardian(s) must verify the cooperating school division's percentage has not been exceeded for the student's class at TJHSST before any change of domicile. Note: This requirement will end with the Class of 2024 (selection process changed for Class of 2025).
3. A student who changes his or her domicile to a cooperating school division that has exceeded its percentage for the student's class at TJHSST may not continue to attend TJHSST. Note: This requirement will end with the Class of 2024 (selection process changed for Class of 2025).

VIII. STUDENT WITHDRAWAL, REENTRY AND DEFERMENT

A. Permanent Withdrawal

A student who is enrolled in TJHSST may at any time, with parental permission, voluntarily withdraw from the school and enroll in the public high school that serves the student's residential location or in the private school of his or her choice. A

student who voluntarily withdraws from TJHSST during grade 9 is eligible to reapply for admission to grade 10 at TJHSST, but readmission is not guaranteed. A student who voluntarily withdraws after grade 9 is not eligible to reapply to TJHSST.

B. Temporary Withdrawal

A student enrolled for at least one full academic year in TJHSST may withdraw for only one full academic year and be guaranteed automatic reentry provided all three following conditions are met:

1. The student and parents change their domicile to a location outside the boundaries of the cooperating jurisdictions for one full academic year but return to a cooperating school division whose percentage has not been exceeded for the class that the student seeks to reenter prior to reentry.
2. The student obtains (prior to the temporary withdrawal date), from the principal, written approval of the plan for the student's academic program during the withdrawal period.
3. The student successfully completes the proposed academic program and can meet the graduation requirements of TJHSST at the expected time of graduation for the class in which the student was originally enrolled.

B. Deferment of Admissions

1. Students who are offered admissions are not permitted to defer the offer. The selection process will continue to offer any open seat to students in the waitpool. Therefore, students who do not accept admission would be required to reapply (if eligible) for the Sophomore Round.

IX. GRADUATION REQUIREMENTS

- A. The requirements for a student to earn a diploma are those in effect when the student enters the 9th grade for the first time. The following applies to 9th grade students who enter high school in 2013-14 and beyond.

To graduate from high school with an Advanced Studies Diploma, students must meet the minimum requirements as outlined below, which include 26 credits, 9 of which must be verified credits. A **standard** credit is earned when a student passes a course. A **verified** credit is earned when a student passes a course and the associated end-of-course SOL test. In some cases, students may utilize substitute tests or certifications to earn verified credits. State guidelines prescribe the number of verified credits required for graduation for students entering a Virginia public high school for the first time during tenth grade or after. Consult your school counselor for specific information.

Students receive credit toward graduation for high school courses taken and passed in middle school. These courses count toward credits in the required sequences as well as toward the total number of credits required for graduation and calculation of the grade point average (GPA). **Middle school parents may request that grades for any high**

school credit-bearing course taken in the middle school be removed from the student's high school transcript, any removed grades will not earn high school credit for the course. In addition, the student will not be eligible for a verified credit in any course that has been removed from the transcript. The request to remove a course from the transcript must be made in writing to the middle or high school that the student will attend in the next school year no later than nine weeks after that school year begins.

Advanced Studies Diploma Course Requirements (8 VAC 20-131-50)			
Subject Area	Standard Credits	Verified Credits	Jefferson Diploma ¹
English	4	2	4
Mathematics ¹	4	2	4 ⁷
Laboratory Science ²	4	2	4
History and Social Science ³	4	2	4 ⁸
*World Language ⁴	3		3 ⁹
Health and Physical Education	2		2
Fine Arts or Career and Technical Ed.	1		1 ¹⁰
Economics and Personal Finance	1		1
Electives	3		3 ¹¹
Student Selected Test ⁵		1	
Total Credits ⁶	26	9	26

*Foreign Language is designated World Language in FCPS.

1 Courses completed to satisfy this requirement will include at least three different course selections from among: algebra I, geometry, algebra II, or other mathematics courses above the level of algebra II. The Board of Education shall approve courses to satisfy this requirement.

2 Courses completed to satisfy this requirement will include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The Board will approve courses to satisfy this requirement. Biology, chemistry, physics, and geosystems are required courses for all students.

3 Courses completed to satisfy this requirement will include U.S. and Virginia history, U.S. and Virginia government, and world history/geography I and world history/geography II. AP world history satisfies the requirement for world history/geography II.

4 Courses completed to satisfy this requirement will include three years of one language or two years of two languages.

5 A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education, economics, or other areas as prescribed by the Board in 8 VAC 20-131-110.

6 Students must successfully complete one virtual course, which may be a noncredit-bearing course, or may be a course required to earn this diploma that is offered online.

7 Does not include algebra I, which is required for application and/or admission. Math sequence must terminate in at least AP calculus (AB or BC)

8 World history & geography 2, US/VA history, US/VA government. The fourth social studies requirement may be acquired by any non-AP social studies credit available at TJHSST.

9 Must have three consecutive years of the same language – Footnote #4 does not apply for the

TJ Diploma.

10 The credit is earned via design & technology required for all matriculating students.

11 Computer science, senior research/mentorship, and an additional credit in math, science, technology, fine arts, or a fourth consecutive credit in world language must be taken to fulfill these 'elective' credits.

B. Exemption from the TJHSST Diploma Requirement

An enrolled student in the senior year may be granted an exemption, under exceptional circumstances, by the director of student services and the principal, from meeting the requirements for graduation from TJHSST if the student meets local and state requirements for graduation. A student who is granted an exemption from the TJHSST diploma may receive a generic diploma from FCPS and may participate in the TJHSST graduation ceremony.

C. Graduation Credit by Alternate Methods

Alternate methods of earning credit for graduation from TJHSST require approvals, before beginning any study or program, of the director of student services and the principal. Alternate methods must be ones sanctioned by the Virginia Board of Education and Fairfax County School Board directives.

X. ACADEMIC STANDARDS AND PROCEDURES

A. Academic Standards

An enrolled student must maintain a cumulative B average (unweighted 3.0 grade point average) at the end of each school year to remain a student in good standing at TJHSST.

B. Academic Standards Procedure

1. For any student who is experiencing academic difficulty during the school year, TJHSST teachers and staff members will develop and document intervention strategies to help the student be academically successful at TJHSST.
2. At the end of the school year, if the student does not maintain the needed course of studies or fails to maintain a cumulative B average (unweighted 3.0 grade point average), the student may return to his or her base school. When there are exceptional circumstances, the parent may request an exception from the director of student services, the principal, and the regional assistant superintendent or his or her designee.

XI. CURRICULUM

The curriculum for TJHSST includes selected courses prescribed in the FCPS Program of Studies, as well as courses designed to explore new structures and methods in the sciences, technology, mathematics, humanities, and the arts. The curriculum for TJHSST

must meet state governor's high school and FCPS academic requirements.

XII. PROGRAM

The eight-period day consists of seven academic classes and one required activity period. Students do not attend each course every day. Flexible scheduling allows all classes to meet for two double periods and one single period each week.

XIII. EXTRACURRICULAR ACTIVITIES

The extracurricular activities program for TJHSST is the same comprehensive extracurricular activities program, including athletics, as that approved for other high schools in FCPS. Any approved activity will be provided if sufficient student interest and participation exist.

Any student who transfers from TJHSST with no legal change in domicile will be ineligible, according to the Virginia High School League transfer rules, to participate for one semester in Virginia High School League-sanctioned activities of any Virginia high school.

XIV. PERSONNEL AND STAFFING

Staffing and personnel policies for TJHSST that differ from staffing and personnel policies for other Fairfax County public schools include the following:

- A. All instructional staff members will be employed for at least eight hours each working day.
- B. All instructional staff members will receive a salary scale adjustment.
- C. Criteria by which instructional staff members are selected will be determined by the Department of Human Resources with assistance from the administrative staff of TJHSST.

Legal reference: 8 VAC 20-131-110

See also the current version of:

- Notice 3355, Thomas Jefferson High School for Science and Technology Admissions Procedures
- Notice 5922, Student Fees
- Policy 3355, High School for Science and Technology Notice 5533, Thomas Regulation 2431, Middle School Teacher's Guide: Grading and Reporting to Parents
- Regulation 2460, Requirements for Graduation and Graduation Seals of Achievement

FAIRFAX COUNTY PUBLIC SCHOOLS