

June 28, 2012

The closeout meeting of the Giles County School Board was held at 7:30 AM on June 28, 2012 in the School Administration Office Building Conference Room. Persons present were:

J.B. Buckland, Chairman
R.B. Whitehead
J.L. Webb, Jr.
Drema K. McMahan

Dr. Terry E. Arbogast, II, Superintendent
D. Scott Meade, Assistant Superintendent for Curriculum

PLEDGE OF ALLEGIANCE

Mr. Buckland, School Board Chairman, led the group in the Pledge of Allegiance.

APPROVAL OF AGENDA

The Board, on motion of Mr. Whitehead, with second by Dr. Webb and unanimous voting, approved the Superintendent's June 28, 2012 School Board Meeting Agenda.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF CONSENT ITEMS

The Board, on motion of Dr. Webb, with second by Mrs. McMahan and unanimous voting, accepted the Superintendent's recommendation to approve the following consent items:

- A. Meeting Minutes
 - 1. Regular – May 17, 2012
 - 2. Special – May 31, 2012

- B. Financial Data
 - 1. Payment of Bills to include May 18th, 25th, 31st and June 7th, 14th and 21st
 - 2. Payrolls to include June 15th & 29th, July 31st, and August 30th, 2012
 - 3. May 2012 Revenue and Expenditure Reports
 - 4. Standards of Quality Biennial Plan Approval
 - 5. Employer Contribution Rates for VRS

BE IT RESOLVED, that the Giles County Schools 55535 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Giles County Schools 55535 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

The Certified Rate of 15.69%

BE IT ALSO RESOLVED, that the Giles County Schools 55535 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Giles County Schools 55535 are hereby authorized and

directed in the name of the Giles County Schools to carry out the provisions of this resolution, and said officers of the Giles County Schools are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Giles County Schools for this purpose.

J.B. Buckland
School Board Chairman

CERTIFICATE

I, Amanda J. Tickle, Clerk of the Giles County Schools, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Giles County Schools held at the Giles County School Board Office in Pearisburg, Virginia, at 7:30 a.m., on June 28, 2012. Given under my hand seal of the Giles County Schools this _____ day of _____, 2012.

Amanda J. Tickle
School Board Clerk

6. Member Contributions by Salary Reduction for VRS

WHEREAS, the Giles County Schools employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 (“FY2013 Employees” for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Giles County Schools employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code 414(h) on a pre-tax basis no later than July 1, 2016;

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the Giles County Schools may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, such increase in total creditable compensation to be equal to the difference between five percent of the employee’s total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Giles County Schools does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):
Professional Employees 40135:

<u>Type of Employee</u>	<u>Employer Paid Member Contribution</u>	<u>Employee Paid Member Contribution</u>
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Plan 1	4%	1%
Plan 2	4%	1%
FY 2013 Employees	0%	5%

(Note: Each row must add up to 5%)

Non-Professional Employees 55535:

<u>Type of Employee</u>	<u>Employer Paid Member Contribution</u>	<u>Employee Paid Member Contribution</u>
Plan 1	4%	1%
Plan 2	4%	1%
FY 2013 Employees	0%	5%

(Note: Each row must add up to 5%)

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Giles County Schools in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Giles County Schools under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Giles County Schools directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Giles County Schools shall be reduced by the amount of member contributions picked up by the Giles County Schools on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of Giles County Schools are hereby authorized and directed in the name of the Giles County Schools to carry out the provisions of this resolution, and said officers of the Giles County Schools are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Giles County Schools for this purpose.

J.B. Buckland
School Board Chairman

CERTIFICATE

I, Amanda J. Tickle, Clerk of the Giles County Schools, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Giles County Schools held at the Giles County School Board Office in Pearisburg, Virginia, at 7:30 a.m., on June 28, 2012. Given under my hand seal of the Giles County Schools this _____ day of _____, 2012.

Amanda J. Tickle
School Board Clerk

- 7. Confirmation of Surplus Items
 - 8. Appropriation Request for July 2012
 TO: Christopher McKlarney
 Interim Administrator for Giles County
- RE: July 2012 Appropriation

The following is the appropriation request for the month of July 2012. This is for the first month of the fiscal year 2012-13. I would appreciate the Board's consideration of this request. The request for the operating budget is consistent with the approved operating budget submitted by the School Board.

Total Appropriation Request: \$2,176,709.82
(Operating + Flow-thru)

This request is one-twelfth of the operating budget and includes the anticipated monthly expenditures in the flow-thru account. Our year to date appropriation and expenditures are contained in the monthly summary. If you have questions, please feel free to let me know. Thank you in advance for your assistance.

SUPERINTENDENT'S REPORT

- A. The Superintendent recommended action and Board approval of the following personnel/contractual items:
 - 1. The School Board, on motion of Mrs. McMahon, with second by Mr. Whitehead and unanimous voting, confirmed the following **Retirement** (effective end of 11-12 school year): Stephanie Bain, Theresa Ballengee, Carolyn Crotty, Darlene Cunningham, Mary French, Janice Gautier, Janet Psathas, Donald Lee Radford
 - 2. The School Board, on motion of Dr. Webb, with second by Mrs. McMahon and unanimous voting, confirmed the following **Resignations** (effective end of 11-12 school year): Tammy Riggs, Sean Sowers, Jeannie Dudding, Stephine Webster
 - 3. The School Board, on motion of Mr. Whitehead, with second by Dr. Webb and unanimous voting, confirmed the following **Transfers** (effective school year 12-13): Tim Woolwine (from NHS Band Director to GHS Music Teacher); Sue Perkins (from GHS bus driver to MMS bus driver); Eric Ruppert (from MMS teacher to EEMS teacher); Amaris Meredith (from NEMS teacher to MMS teacher)
 - 4. The School Board, on motion of Dr. Webb, with second by Mr. Whitehead and unanimous voting, confirmed the following **Volunteer Agreements**: Emily Cook (GHS summer conditioning); Janice Gautier (GHS cooking class)
 - 5. The School Board, on motion of Dr. Webb, with second by Mr. Whitehead and unanimous voting, confirmed the following **Employment**: Chris Townsend (Central District bus driver); Donna Darnell (Central District bus driver); Paul Hyatt (Western District bus driver)
 - 6. The School Board, on motion of Dr. Webb, with second by Mrs. McMahon and unanimous voting, confirmed the following **Athletic Supplements** (effective school year 12-13):

Giles High School

Contract Employee	Contract Amount	Sport
FALL SPORTS		
Boggess, Shelly	\$1,328.00	Cheerleading, Varsity
Boggess, Shelly	\$752.00	Cheerleading, 8th
Boggess, Shelly	\$376.00	Cheerleading, JV

Stump, Dusty	\$2,390.00	Football, Varsity Assistant
Evans, Jackie	\$2,390.00	Football, Varsity Assistant
Cunningham, Stacy	\$1,062.00	Volleyball, 8th Head
Havens, Mandy	\$1,593.00	Volleyball, JV Head
Matlock, Whitney	\$1,992.00	Volleyball, Varsity Head
Hubbard, Mark	\$974.00	Cross Country Girls Head
Whitehead, Darla	\$0.00	Cross Country/Track volunteer
Hubbard, Mark	\$974.00	Cross Country Boys Head

WINTER SPORTS

Bogges, Shelly	\$376.00	Cheerleading, JV
Bogges, Shelly	\$1,328.00	Cheerleading, Varsity
Mance, Bill	\$2,213.00	Basketball, JV Girls Head
Epperley, Don	\$2,921.00	Basketball, Varsity Girls Head

SPRING SPORTS

Vaughn, Teddy	\$1,328.00	Baseball, JV Baseball
Hubbard, Mark	\$2,500.00	Track Head Track
Moye, Brittany	\$1,328.00	Tennis, Girls
Keaton, Scott	\$1,328.00	Soccer, JV
Ruppert, Eric	\$1,992.00	Soccer, Varsity Girls
Schmidt, Neil	\$0.00	Soccer, Varsity Girls volunteer

Narrows High School

Contract Employee	Contract Amount	Sport
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FALL SPORTS

Long, Bryan	\$0.00	All Athletic Events
Garrett, Jane	\$0.00	All Athletic Events
Lusk, Debbie	\$1,600.00	Cheerleading, Varsity
Turner, Clyde	\$1,500.00	Football, JV
Lowe, Kelly	\$4,100.00	Football, Varsity
Bowman, Jon	\$3,200.00	Football, Varsity Assistant
Davis, Kelly	\$1,000.00	Volleyball, 8th
Gautier, Erica	\$1,600.00	Volleyball, JV
McGlothlin, Sarah	\$2,100.00	Volleyball, Varsity
Lucas, Billie	\$1,300.00	Volleyball Assistant
Lusk, Todd	\$1,500.00	Cross Country

WINTER SPORTS

Lusk, Debbie	\$1,600.00	Cheerleading, Varsity
Lusk, Brock	\$1,600.00	Basketball, 8th Boys
Patteson, Bryan	\$0.00	Basketball, JV Boys
Gautier, Chris	\$4,100.00	Basketball, Varsity Boys

SPRING SPORTS

Davis, Abby	\$1,200.00	Softball, JV
Davis, Kelly	\$1,800.00	Softball, Varsity
Patteson, Bryan	\$0.00	Baseball, Varsity
Gautier, Chris	\$2,300.00	Track, Varsity
Gautier, Erica	\$1,300.00	Track Assistant
Lusk, Todd	\$1,500.00	Tennis Boys
Lusk, Debbie	\$1,500.00	Tennis, Girls
Kidd, Dennis	\$2,300.00	Soccer

B. The School Board, on motion of Dr. Webb, with second by Mrs. McMahon and unanimous voting, approved policy changes as

recommended by VSBA Policy Services and Administration.

- C. Mr. John Ross, Energy Education Coordinator, spoke on behalf of the Energy Education program for Giles County Public Schools. This is really a team effort and everyone contributes to this program. This is the first year with Eastern Elementary/Middle School and the Giles Tech Center under control. The costs have gone down over the last year. A couple new things have been implemented. Macy has installed special valves on urinals and aerators to help with water conservation. He hopes to have good news next year regarding water consumption at Macy. Also, we have entered into a contract with Bollinger Energy to purchase our natural gas. The total year to date savings from April 11 – April 12 is \$83,210.00 and total program savings from 2004-2012 of \$1,123,950.00.
- D. The School Board, on motion of Mr. Gollehon, with second by Mr. Whitehead and unanimous voting, approved Mr. Buckland and Mr. Whitehead as the VSBA delegate and alternate respectively to the 2012 Annual Convention in Williamsburg. Mr. Buckland and Mr. Whitehead abstained.
- E. The School Board, on motion of Mr. Whitehead, with second by Mrs. McMahon and unanimous voting, approved an amendment to the Superintendent's contract that discusses the Superintendent paying the same VRS rate that employees are paying as it is implemented over the next 5 years. Also, the same increase in pay that administrators receive will also be applied to his contract.

AMENDMENT TO SUPERINTENDENT'S CONTRACT

This Amendment to Contract dated this 28th day of June, 2012, by and between the School Board of Giles County, Virginia, (hereinafter the "Board") and Terry E. Arbogast, II, Division Superintendent of Schools (hereinafter "Superintendent").

WHEREAS, the Board and the Superintendent entered into a contract dated May 20, 2010, whereby the Superintendent was employed as Division Superintendent from July 1, 2010, to June 30, 2014 (hereinafter the "Contract"); and

WHEREAS, at its 2012 session the General Assembly passed legislation (SB 497) requiring persons employed as of June 30, 2012, for whom the Board was paying the member contribution to the Virginia Retirement System to pay said contribution beginning July 1, 2012; and

WHEREAS, as permitted by the legislation, the Board has decided to phase-in over a five-year period the requirement that current employees pay the member contribution; and

WHEREAS, the legislation also requires the Board to increase such employees' total creditable compensation in order to offset the member contribution the employees are required to pay; and

WHEREAS, paragraph III of the Contract provides that the "Annual salary increases for the Superintendent shall equal no less than the average increase approved by the Board for instructional personnel for the corresponding fiscal year unless the Superintendent has received an unsatisfactory performance evaluation;" and

WHEREAS, the Board approved an average increase of 2.25% in the annual salary for instructional personnel for the 2012-2013 school year; and

WHEREAS, the parties wish to amend the Contract pursuant to paragraph XIII thereof.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein, the parties agree as follows:

1. Paragraph III (a) of the Contract is amended by adding the following at the end of the paragraph: "The Board will increase the Superintendent's total creditable compensation for VRS purposes beginning July 1 of 2012 and 2013, or until the member contribution the Superintendent is required to pay equals five percent of creditable compensation, in order to offset the member contribution the Superintendent is required to pay during such period."

2. Paragraph III (a) is further amended by striking the first sentence thereof and inserting the following: "The annual salary of the Superintendent for the school year July 1, 2012 through June 30, 2013 shall be \$95,824.00, which amount shall be in addition to the increase in creditable compensation referred to below."

3. Except as amended herein, the Contract will remain in full force and effect.

IN WITNESS WHEREOF, the Board has caused this Amendment to Contract to be signed by its Chairman and attested to by its Clerk and the Superintendent has set his hand and seal the day and year first above written.

ATTEST:

SCHOOL BOARD OF GILES COUNTY, VIRGINIA

CLERK

CHAIRMAN

SUPERINTENDENT

IN OTHER ACTION...

The Superintendent spoke on behalf of Shahn Wilburn. He would like to make revisions to his display that he previously submitted to the School Board. Mr. Wilburn stated in his letter “I would propose to modify the language in the Explanation Document for my portion of the Historic Documents Display. In place of the current language on Thomas Jefferson’s beliefs about the separation of church and State, I would propose the following: ‘Thomas Jefferson’s Letters to the Danbury Baptist Association and to the Reverend Samuel Miller, and Jefferson’s 1779 Thanksgiving Proclamation as Governor of Virginia set forth some of Jefferson’s views on the relationship between church and state.’” He submitted a copy of the Explanation Document modified in this fashion for the School Board’s consideration. On motion of Mrs. McMahon, with second by Dr. Webb and unanimous voting, this change was approved.

Dr. Arbogast stated that “Pending approval by Judge Urbanski, the Giles County School Board has reached a settlement with the plaintiff. At this time, I am requesting that the Board approve this settlement agreement as agreed upon. The full details of the settlement agreement will be included in the board minutes.” On motion of Dr. Webb, with second by Mr. Whitehead and unanimous voting, the School Board approved the settlement agreement.

Settlement Agreement

The parties to this Settlement Agreement, Plaintiffs, Doe 1 and Doe 2 (“Plaintiffs”), and Defendant, The Giles County School Board (“Defendant” or “Board”), have agreed to resolve fully and completely, through voluntary settlement, all of the claims that Plaintiffs have made against Defendant in the lawsuit styled Doe 1 and Doe 2 vs. School Board of Giles County, CASE No. 7:11-cv-00435-MFU (“the Lawsuit”) currently pending in the United States District Court for the Western District of Virginia, Roanoke Division, and any and all other claims Plaintiffs now have or have had against Defendant accruing on or before the effective date of this Settlement Agreement relating to the display of documents in Giles County schools (hereinafter “Settlement Agreement”).

FOUNDATIONS DISPLAY: On June 7, 2011, the Board accepted and approved the proposal of Robert Lilly to create a Foundations of Law and Government Display (“Foundations Display”), to be posted on the walls of Narrows High School. The Display included the Resolution of the Board authorizing the Foundations Display, along with a Policy for posting future documents or displays, an Explanations Document containing a brief discussion of each document in the Foundations Display, and ten framed documents and symbols: Lady Justice; the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and the Ten Commandments. See attached Exhibit 1 for the text of the Resolution and the Explanation Document of the Foundations Display documents.

LAWSUIT: A student and a parent, as Doe 1 and Doe 2, filed suit against the Giles County School Board on September 13, 2011.

WILBURN DISPLAY: On March 15, 2012, the Board approved the proposal of Shahn Wilburn of additional historic documents, to be displayed alongside the Foundations Display, in accordance with the Resolution and the Policy contained therein. These additional documents (hereinafter, “Wilburn Display”) included an Explanations Document containing a brief discussion of each document in the Wilburn Display, and twelve framed documents, portraits, and symbols: the First Charter of Virginia; the Fundamental Orders of Connecticut; a Portrait of Patrick Henry; Patrick Henry’s Give Me Liberty or Give Me Death Speech; a picture of a Minuteman with the text of the Second Amendment; a Portrait of George Washington; George Washington’s Farewell Address; a Portrait of Thomas Jefferson; Thomas Jefferson’s Letter to the Danbury Baptist Association; Thomas Jefferson’s 1779 Thanksgiving Proclamation; Thomas Jefferson’s Letter to Rev. Samuel Miller; and the Northwest Ordinance. See attached Exhibit 2 for the text of the Wilburn Display Explanation Document.

ROOTS OF DEMOCRACY SUBSTITUTION: On May 17, 2012, Robert Lilly, donor of the original Foundations Display, proposed a substitution of the “Roots of Democracy” from Page 74 of the United States History Textbook (Virginia Edition) published by Prentice Hall, for the text of the Ten Commandments in the Foundations Display, and offered this for the Board’s consideration. Attached Exhibit 3 is a copy of the “Roots of Democracy” textbook page.

On May 31, 2012, after consideration, the Board voted unanimously to accept the substitution of the “Roots of Democracy” mentioned above for the text of the Ten Commandments in the Foundations Display.

NOW, THEREFORE, Plaintiffs and Defendant enter into this Settlement Agreement as follows:

1. The current Resolution which lists the original documents of the Foundations Display will be replaced with a Resolution that contains the policy regarding the posting of historical documents. The Resolution shall include the following modifications:

a. The following language will be added: “The documents or displays posted pursuant to this Policy are intended for historical purposes, and not for any partisan political purpose or for the establishment of religion.”

b. The language “Some of these documents and symbols include, but are not limited to, the idea of equal justice under law as symbolized by Lady Justice; the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and the Ten Commandments” will be replaced by the following: “Some of these documents and symbols include, but are not limited to, the idea of equal justice under law as symbolized by Lady Justice; the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta, and other important documents, concepts, and influences found in the curriculum of the Giles County schools, as illustrated in the sample history textbook page entitled ‘Roots of Democracy.’”

c. The language “The Giles County School Board will allow the posting of the above named documents together, in a display in any school in the district as set forth herein. This historical document display shall include initially a picture of Lady Justice, the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and the Ten Commandments” will be replaced by the following: “The Giles County School Board will allow the posting of the above named documents together, in a display in any school in the district as set forth herein. This historical document display shall include initially a picture of Lady Justice, the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and a page from a Giles County Schools History textbook entitled, The Roots of Democracy.”

2. The following language will be added to the policy regarding any proposed posting of additional documents or displays: “Any person or group proposing additional documents or displays pursuant to this Policy shall present to the Board the proposed document(s) or display(s) and the proposal shall have two readings prior to the vote by the Board. Any proposed document(s) or display(s) may be voted on by the Board at any time after the second reading.”

3. The Explanations Document for the Foundations Display shall contain the following modifications:

a. In the first paragraph of the Explanations Document, the words “The Ten Commandments” will be replaced with: “a depiction of significant influences upon American freedom from the Giles County Schools’ Virginia-United States history textbook by Prentice-Hall entitled ‘Roots of Democracy’”

b. The description of the Ten Commandments shall be replaced with the following: “The Roots of Democracy “infographic” is a graphic depiction of important influences upon American ideas about government. The Roots of Democracy is found on page 74 of the Prentice Hall Virginia-United States History textbook used in the Giles County Public Schools. ISBN 978-0-13-368652-4.”

4. The Wilburn Display Explanation Document will be altered as follows. After the heading entitled “Jefferson’s Letter to the Danbury Baptists - Jefferson’s 1779 Thanksgiving Proclamation - Jefferson’s Letter to Reverend Samuel Miller,” the following language will replace the existing language: “Thomas Jefferson’s Letters to the Danbury Baptist Association and to the Reverend Samuel Miller, and Jefferson’s 1779 Thanksgiving Proclamation as Governor of Virginia set forth some of Jefferson’s views on the relationship between church and state.”

5. In the Foundations Display, the Roots of Democracy, Page 74 of the United States History Textbook (Virginia Edition) published by Prentice Hall, will remain as the replacement for the text of the Ten Commandments, with the contents of Page 74 as set forth in Exhibit 3. The text of the Ten Commandments will not be posted at any Giles County public school unless and until there is precedent in the Fourth Circuit or United States Supreme Court allowing the posting of the text of the Ten Commandments in the public schools.

6. The Plaintiffs agree that all the modifications herein to the Displays (Foundations Display and Wilburn Display), as set forth herein, including the substitution of the Roots of Democracy document, do not violate this Settlement Agreement and are in compliance with the Policy as revised herein.

7. The only remedy for any violation of this Agreement is temporary or permanent injunctive relief and reasonable attorney’s fees for any enforcement action. The parties agree that neither civil nor criminal contempt proceedings are available to either party and said remedies are hereby waived.

8. The Protective Order protecting the identities of Doe 1 and Doe 2 shall remain in effect. No party shall disparage or retaliate against any other party.

9. Each party shall bear its own attorneys fees. The Plaintiffs' out of pocket costs in the amount of \$6,511.16 will be compensated either by the Board or the Board will arrange for the expenses to be compensated by a third-party. The costs will be paid by check made payable to "American Civil Liberties Union of Virginia Foundation, Inc." within thirty (30) days of the entry of the Order of Dismissal in this case.

10. An Order of Dismissal shall be entered that shall include this Settlement Agreement as an attachment and incorporate all terms of this Settlement Agreement. The Order of Dismissal shall provide that the court will retain jurisdiction to enforce this Settlement Agreement for eight (8) years from the entry of the Order of Dismissal.

In consideration of the above terms, and with no admission of liability on the part of Defendant, Plaintiffs have agreed to voluntarily dismiss the current action with prejudice.

Dated: June _____, 2012.

Respectfully submitted,

Respectfully submitted,

TERRY ARBOGAST, for Giles County
School Board

Doe 1

Doe 2

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Attorneys for Plaintiffs, Doe 1 and Doe 2

Dr. Arbogast stated that “Pursuant to the settlement agreement, I have some modifications to the Resolution that authorized the Historical Document Display.” The School Board, on motion of Mr. Whitehead, with second by Dr. Webb and unanimous voting, approved the modifications to the Resolution.

RESOLUTION OF GILES COUNTY SCHOOL BOARD FOR POSTING OF HISTORICAL DOCUMENTS

It is recognized by the Board that many documents and symbols, taken as a whole, have special historical significance to our community, our county, and our country’s history. Some of these documents and symbols include, but are not limited to, the idea of equal justice under law as symbolized by Lady Justice; the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and other important documents, concepts, and influences found in the curriculum of the Giles County schools, as illustrated in the sample history textbook page entitled “Roots of Democracy.”

A sense of historical context, civic duty and responsibility, and a general appreciation and understanding of the law of this land are all desirable components of the education of the youth of the county. We believe these above named documents positively contribute to the educational foundations and moral character of students in our schools. There may be other documents, speeches, letters, and writings which are equally important as those mentioned above, but, it is our opinion, that these above mentioned documents that may instill qualities desirable of the students in our schools, have had particular historical significance in the development of this country.

For all of these reason, *BE IT THEREFORE RESOLVED AS FOLLOWS:*

1. The Giles County School Board will allow the posting of the above named documents together, in a display in any school in the district as set forth herein. This historical document display shall include initially a picture of Lady Justice, the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and a page from a Giles County Schools History textbook entitled, The Roots of Democracy. The document display shall also include a brief explanatory document, suitably framed. These historical displays shall be financed by funds of private organizations, and no school funds shall be used for this purpose. No service of school personnel of the school district shall be utilized during any time such employee is employed by the school district and no school employee shall be required to assist in placing the above mentioned documents in any school. However, this Board does not prohibit any school employee from volunteering their time to assist in this project should any individual employee desire to do so.
2. The display of these historical documents shall be uniform in size and frames. No document shall be larger or given any prominence over any other document in the display. A copy of this resolution shall be included with the display with the historical documents. The documents or displays posted pursuant to this Policy are intended for historical purposes, and not for any partisan political purpose or for the establishment of religion.
3. Any individual, private group, or organization who wishes to finance the posting of the above listed historical documents may be allowed to do so by making a written request to the Superintendent of the Giles County Schools. The written request shall include the name of the person, individual, or group that wishes to sponsor the historical display at the particular school or schools, and shall contain the name of the school where the documents are requested to be displayed, and shall contain a statement that the person or group agrees to the terms and conditions of this resolution and shall be signed by the person or representative of the sponsor.
4. Any person, group, or organization that wishes to post any other historical documents at any schools, shall notify the Superintendent of the Giles County Schools in the same manner as is outlined herein above. Each request must be made in writing and signed by the person, individual, or group that wishes to place any historical document in the school. They shall attach a copy of the document or documents the person wishes to place in each school and shall cite the particular historical significance and importance of said documents. The Superintendent shall present the petition to the Giles County School Board. If the Giles County Board approves the same, a copy of each such historical document shall be added to the historical document display at the schools, at the expense of the person or organization requesting the additional historical document display. The additional historical documents shall be displayed in the same uniform size and frame as other historical documents on display, and shall not be given greater or less prominence than any other historical document on display. If the Giles County Board refuses the request of any person or group to post additional historical documents, the Board shall state in writing the reasons for refusing the request. Any person or group

proposing additional documents or displays pursuant to this Policy shall present to the Board the proposed document(s) or display(s) and the proposal shall have two readings prior to the vote by the Board. Any proposed document(s) or display(s) may be voted on by the Board at any time after the second reading.

5. Upon compliance with the above, the Superintendent of the Giles County Schools shall notify the principal of each school for which a display is planned. The principal shall determine where, in that school, the historical documents may be posted. The principal shall notify the Superintendent that they are posted in the manner consistent with this resolution. Keeping with our understanding of Virginia and Federal law, persons shall not be compensated by any school funds for their time or expense while serving in this capacity.

Be it resolved on this the 28th day of June, 2012.

GILES COUNTY BOARD OF EDUCATION

J.B. Buckland, Chairman

Ronald B. Whitehead, Member

Dr. J. Lewis Webb, Jr., Member

Joseph M. Gollehon, Jr., Member

Drema K. McMahon, Member

Dr. Arbogast stated that “I have modifications to share in the Foundations of American Law and Government Display Explanations Document that is currently hanging with the Historical Documents at Narrows High School.”

FOUNDATIONS OF AMERICAN LAW AND GOVERNMENT DISPLAY

The Foundations of American Law and Government display contains documents that played a significant role in the foundation of our system of law and government. The Display contains (1) The Mayflower Compact; (2) The Virginia Declaration of Rights; (3) The Declaration of Independence; (4) The Virginia Statute for Religious Freedom; (5) The Bill of Rights to the United States Constitution; (6) The Magna Carta; (7) a depiction of significant influences upon American freedom from the Giles County Schools’ Virginia-United States history textbook by Prentice-Hall entitled “Roots of Democracy”; (8) The Star Spangled Banner; and (9) A picture of Lady Justice.

The Mayflower Compact

The Mayflower Compact was penned by William Bradford on November 11, 1620 on the Mayflower before the Pilgrims made landfall at Plymouth, Massachusetts. The Compact was the first written constitution in the New World. William Bradford described the reasoning behind the Compact when he stated in the Compact, This day, before we came to harbour, observing some not well affected to unity and concord, but gave some appearance of faction, it was thought good there should be an association and agreement, that we should combine together in one body, and to submit to such government and governors as we should by common consent agree to make and choose, and set our hands to this that follows, word for word. . ."

The Virginia Declaration of Rights

Virginia's Declaration of Rights was authored by George Mason (with significant contribution from James Madison) and was adopted by the Virginia Constitutional Convention on June 12, 1776. Enacted prior to the Virginia Constitution, it provided the basis and foundation for Virginia government. The Virginia Declaration of Rights significantly influenced the structure and content of both the Declaration of Independence and the Bill of Rights to the United States Constitution.

The Declaration of Independence

Perhaps the single most important document in American History, The Declaration of Independence was, as Abraham Lincoln stated, the frame into which the Framers placed the Constitution. The Declaration's fundamental premise is that one's right to Life, Liberty, and the pursuit of Happiness is not a gift of government. Government is not a giver of rights, but a protector of God-given rights. Moreover, government is a creation of the governed and derives all its power from the consent of its people. As the Preamble to the United States Constitution states, We the People *are* the government.

The Virginia Statute for Religious Freedom

The Virginia Statute for Religious Freedom is a statement about both freedom of conscience and the principle of separation of church and state. Written by Thomas Jefferson and passed by the Virginia General Assembly on January 16, 1786, it is the forerunner of the first amendment protections for religious freedom.

The Bill of Rights to the United States Constitution

During the debates on the adoption of the Constitution, its opponents repeatedly charged that the Constitution as drafted would open the way to tyranny by the central government. Fresh in their minds was the memory of the British violation of civil rights before and during the Revolution. They demanded a "bill of rights" that would spell out the immunities of individual citizens. Several state conventions in their formal ratification of the Constitution asked for such amendments; others ratified the Constitution with the understanding that the amendments would be offered. The Bill of Rights is still a vital and powerful force in American Government, shaping our laws and serving as a check on the exercise of government power.

The Magna Carta

In 1215, King John of England consented to the demands of his barons and agreed for Magna Carta to be publicly read throughout the land. By this act he bound himself and his heirs, forever to grant to the people of his kingdom the rights pronounced in Magna Carta. By signing Magna Carta, King John brought himself and England's future rulers within the rule of law. The rule of law places a restraint on the exercise of arbitrary government power, and it places all people and civil government under law. The American patriots, therefore, waged war against England to preserve liberties originating in 13th century England. A distinction, however, is noted between Magna Carta and the American concept of liberty. While Magna Carta is a guarantee from a king that he will follow the law, the Constitution of the United States is the establishment of a government consisting of, and created for, We the People.

Roots of Democracy

The Roots of Democracy "infographic" is a graphic depiction of important influences upon American ideas about government. The Roots of Democracy is found on page 74 of the Prentice Hall Virginia-United States History textbook used in the Giles County Public Schools. ISBN 978-0-13-368652-4.

The Star Spangled Banner

Guarding the entrance to Baltimore harbor via the Patapsco River during the War of 1812, Fort McHenry faced almost certain attack by British forces. Major George Armistead, the stronghold's commander, was ready to defend the fort, but he wanted a flag that would identify his position, and one whose size would be visible to the enemy from a distance. The flag that was made for the Fort was 30 feet by 42 feet. Anxiously awaiting news of the battle's outcome was a Washington, D.C., lawyer named Francis Scott Key. Key had visited the enemy's fleet to secure the release of a Maryland doctor, who had been abducted by the British after they left Washington. The lawyer had been successful in his mission, but he could not escort the doctor home until the attack ended. So he waited on a flag-of-truce sloop anchored eight miles downstream from Fort McHenry.

During the night, there had been only occasional sounds of the fort's guns returning fire. At dawn, the British bombardment tapered off. Had the fort been captured? Placing a telescope to his eye, Key trained it on the fort's flagpole. There he saw the large garrison flag catch the morning breeze. It had been raised as a gesture of defiance, replacing the wet storm flag that had flown through the night. Thrilled by the sight of the flag and the knowledge that the fort had not fallen, Key took a letter from his pocket, and began to write some verses on the back of it. Later, after the British fleet had withdrawn, Key checked into a Baltimore hotel, and completed

his poem on the defense of Fort McHenry. He then sent it to a printer for duplication on handbills, and within a few days the poem was put to the music of an old English song. Both the new song and the flag became known as "The Star-Spangled Banner" and became a rallying cry for the American Patriots during the Revolutionary War.

Lady Justice

Lady Justice has become a symbol of the fair and equal administration of the law, without corruption, avarice, prejudice, or favor. The blindfold represents that our system of justice is blinded to all prejudices or favor. The scales represent that justice is administered fairly and the sword represents justice that is authoritative. Lady Justice is a symbol of the American system of justice and the ideals it embodies.

The School Board, on motion of Mrs. McMahan, with second by Mr. Whitehead and unanimous voting, approved the revisions to the Foundations of American Law and Government Display.

The School Board, on motion of Mrs. McMahan, with second by Dr. Webb and unanimous voting, approved an additional check run for June 26, 2012.

The School Board, on motion Mr. Whitehead, with second by Mrs. McMahan and unanimous voting, confirmed that there were no changes to policy IIBEA/GAB and policy GAB/IIBEA. This policy is supposed to be reviewed every two years.

NEXT BOARD MEETING

The next regular School Board meeting will be held ***Friday morning, August 17, 2012 at 7:30 AM*** prior to the new teachers coming in for orientation, where School Board members will have the opportunity to meet new staff members.

The Chairman, on motion of Mr. Whitehead, with second by Dr. Webb and unanimous voting, adjourned the meeting.

Chairman

Clerk