

Exhibit 43

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

- - - - - x
Coalition for TJ, :
Plaintiff, :
v. : Case No.
Fairfax County School : 1:21-cv-0026-CMH-JFA
Board, :
Defendant. :

- - - - - x

Deposition of DR. SCOTT BRABRAND
Tyson's Corner, Virginia
Monday, October 11, 2021
9:03 a.m.

Job No.: 405349
Pages: 1 - 151
Reported By: Adam Schuman

1 Q I'm sure. I know it's commonly called TJ.
2 Is it okay if we refer to that as TJ as we go along?

3 A Yes.

4 Q Dr. Brabrand, you are currently employed as
5 the superintendent of Fairfax County Schools; is
6 that correct?

7 A Correct.

8 Q How long have you been the superintendent?

9 A Four years and three months.

10 Q Have you held any other roles at FCPS before
11 you became superintendent?

12 Ms. Rewari: Objection. Vague.

13 Ms. Wilcox: Sometimes she will object to my
14 questions and she'll instruct you to answer or not.
15 Go ahead.

16 A Could you be more specific.

17 Q Other than being superintendent at FCPS,
18 have you had any other job titles?

19 A I was a teacher from 1994 to 1999. From
20 1999 to 2003, I was assistant principal at a high
21 school. From 2003-2005, I was an associate
22 principal at Lake Braddock Secondary School. From

1 Q Do you recall when they would have begun
2 preparing that for the September meeting?

3 Ms. Rewari: Objection. Lack of foundation.

4 A I'm not sure.

5 Q Okay. Were you in the text, the paragraph I
6 just asked you to read on this page, 7848, were you
7 aware of the October 1 deadline that's mentioned in
8 this first paragraph?

9 A I was aware of the October 1 deadline.

10 Q Did you believe that the Board was required
11 to alter TJ's admission process in order to comply
12 with this October 1 deadline?

13 A Yes. I believed this October 1 requirement
14 to submit a report meant we needed to look at our
15 admissions process at TJ.

16 Q Okay. And can you tell me what you mean;
17 you just said needed to look at our admissions
18 process at TJ; is that correct? Can you elaborate
19 on what you meant by that?

20 A Well, this text talked about access for
21 historically underserved students and outreach and
22 community efforts deployed to recruit historically

1 Q Did you believe that if you did not change
2 TJ's admissions process, it would affect the State
3 funding that TJ receives?

4 A I'm not sure, affect State funding. I
5 didn't think it was going to -- I didn't think it
6 was going to cut off our funding. But I did think
7 that depending on what we submitted to our report,
8 you know, that the General Assembly can and has made
9 budget changes to our funding on many things over
10 time. So I wasn't indifferent to what we were
11 submitting on the October 1 report, knowing that it
12 would be having a review by State officials.

13 Q Okay. And were you or your staff
14 considering making changes to the TJ admissions
15 process before you became aware of the requirement
16 to submit that October 1 report?

17 A Had staff ever discussed making changes to
18 TJ prior to then? I would say we had and reflected
19 here that we had looked at different changes. Did
20 we have a time set to do it prior to that bill? No.

21 Q Is it fair to say that bill prompted this
22 round of changes to the TJ admission process?

1 Ms. Rewari: Objection. Lack of foundation.

2 A I'd say the bill was a factor. I mean, I
3 would say the bill was a factor in us looking at the
4 TJ admissions process.

5 Q Okay.

6 Ms. Wilcox: I'm going to do another
7 document. I think this is going to be Brabrand 3.

8 (BRABRAND Deposition Exhibit 3 marked for
9 identification and attached to the deposition.)

10 Q If you could just review this and let me
11 know when you're ready.

12 A Okay.

13 Q All right. Dr. Brabrand, what is this
14 document that I've handed you?

15 A This looks like email between me and a Board
16 member or Board members, a Board member, cc'ing
17 other Board members.

18 Q Okay. And that's your email address here on
19 this email chain; is that right?

20 A Yes, that's right.

21 Q And can you read the question that is
22 highlighted in the copy that you have?

1 A Uh-huh. "One perspective I do have is
2 whatever the Board decides to do or not to do in
3 September will ultimately influence what the
4 Governor and the Secretary of Education decide in
5 January."

6 Q And can you tell me what you meant by that
7 statement?

8 A Sure. My perspective of the discussions
9 that the General Assembly were having reflected in
10 that budget report submission and the fact that the
11 Secretary of Education did convene over the summer,
12 that same summer, a -- I don't know the convening --
13 he convened a group of a committee of different
14 representatives. I did believe that whatever the
15 School Board was going to do in September and what
16 we would share in our report would have impact on
17 any additional action that the General Assembly or
18 Governor would have in either the budget or the
19 General Assembly policy recommendations. I mean,
20 what I just explained is what I was trying to
21 actually say in there. It was a perspective. I
22 wasn't sure. I didn't have actual knowledge, but

1 I -- part of my job is to try to understand
2 different dynamics that are going on in our
3 community or the local-level dynamics and
4 State-level dynamics, and I definitely perceived
5 that there was State-level dynamics, one, reflected
6 by the October 1 report, and, two, by the Secretary
7 of Education's task force that simple status quo, a
8 report with just, we're just doing the same thing
9 we've always done was not going to be received well.

10 Q Okay. So when you say whatever the Board
11 decides to do or not do in December --

12 A September.

13 Q September. I'm sorry.

14 A We decided in December -- the Board decided
15 in December what they would finally do, so this is a
16 month before the September work session. This is
17 about the Board member asking, well, is a proposal
18 coming, and what's going to -- I don't know if her
19 question is even on here, but is something coming to
20 the Board. Oh, here it is: Since the Board has
21 asked for this work session, this is best answered
22 by the Board. But the Board wanted a work session,

1 don't believe so.

2 Q No, there's not. Did you or your staff ever
3 consider the racial impact of the decision to
4 guarantee that 1.5 percent of schools feeds to TJ?

5 Ms. Rewari: Objection. Calls for
6 speculation.

7 A No.

8 Q I want to ask you briefly about -- you
9 mentioned this earlier, but an AAP Level 4 Center.
10 Can you tell me kind of in a nutshell what that is?

11 A Well, we don't have those at high schools.

12 Q Okay.

13 A So AAPs are Advanced Academic Programs, and,
14 again, I'm going to do my best as saying as a
15 superintendent, we have had centers for advanced
16 academics for kids who are eligible to receive
17 gifted services would go to those centers. Local
18 Level 4 again has been part of geographic -- and
19 there was only centers at some of the elementary
20 schools; so to go to the center you had to jump on a
21 bus and go somewhere else. Local Level 4 has been
22 putting those advanced academic services into the

1 base school, so there's no need to go to the center.
2 Parents still have the choice and can send their kid
3 to the center, but we put more and more Level 4
4 services in our schools, and we're continuing to do
5 that.

6 Q About how long has that process been going
7 on of putting more Level 4 services in more schools?

8 A I'm not sure. I would say it's been over a
9 number of years, but we have been working to
10 accelerate the number of local Level 4 schools.

11 Q Okay. Are students who attend a Level 4
12 Center, are they more likely to be TJ applicants
13 when they're in eighth grade than students who do
14 not attend a Level 4 Center?

15 Ms. Rewari: Objection. Lack of foundation.

16 A My answer. I don't know. I don't know.

17 Q Do Level 4 centers offer the prerequisite
18 classes that a student would need to be eligible to
19 apply to TJ?

20 A Does a Level 4 Center?

21 Q Yes.

22 A Yes.

Message

From: Brabrand, Scott S [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F83E4830B34F424397D87919F381F30C-BRABRAND, S]
Sent: 8/17/2020 1:04:24 PM
To: Anderson, Ricardy J (School Board Member) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2722e2eac8fb4713bca8bf78590c2d80-Anderson, R]
Subject: Re: Regarding the change of TJ admission policy plans and transparency

Sent from my iPhone

From: Anderson, Ricardy J (School Board Member) <rjanderson@fcps.edu>
Sent: Monday, August 17, 2020 9:02:20 AM
To: Brabrand, Scott S <ssbrabrand@fcps.edu>
Subject: RE: Regarding the change of TJ admission policy plans and transparency

Thank you.

Ricardy Anderson, Ed.D.

Mason District Representative
Fairfax County School Board

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From: Brabrand, Scott S <ssbrabrand@fcps.edu>
Sent: Monday, August 17, 2020 8:43 AM
To: Corbett Sanders, Karen (School Board Member) <klcorbettsan@fcps.edu>
Cc: Muhlberg, Ilene <idmuhlberg@fcps.edu>; School Board Members <SchBoard@fcps.edu>; Cabinet (Superintendent) <CabinetSuperintendent@fcps.edu>; Bonitatibus, Ann N <anbonitatibu@fcps.edu>; Shughart, Jeremy A <jshughart@fcps.edu>
Subject: Re: Regarding the change of TJ admission policy plans and transparency

Karen,

Thanks for your email. This is an excellent question. I think since the board asked for this work session, this is best answered by the board.

One perspective I do have is whatever the board decides to do or not to do in September will ultimately influence what the Governor and the Secretary of Education decide in January.

While I am still finalizing our work on this issue, I can say that I don't intend to recommend the status quo.

In terms of time for public engagement, we would have to decide by September if we are continuing with the same testing process but we have until probably December to develop a different admissions approach.

Sincerely,

Scott

