



School Board Services

**Carolyn T. Rye, Chair**  
District 5 - Lynnhaven

**Kimberly A. Melnyk, Vice Chair**  
District 7 – Princess Anne

**Beverly M. Anderson**  
At-Large

**Sharon R. Felton**  
District 6 – Beach

**Jennifer S. Franklin**  
District 2 – Kempsville

**Dorothy M. Holtz**  
At-Large

**Laura K. Hughes**  
At-Large

**Victoria C. Manning**  
At-Large

**Jessica L. Owens**  
District 3 – Rose Hall

**Trenace B. Riggs**  
District 1 – Centerville

**Carolyn D. Weems**  
District 4 - Bayside

*Aaron C. Spence, Ed.D., Superintendent*

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**School Board Regular Meeting MINUTES**  
**Wednesday, November 9, 2022**

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School Administration Building #6, Municipal Center  
2512 George Mason Drive  
P.O. Box 6038  
Virginia Beach, VA 23456  
(757) 263-1000

Public seating will be made available on a first-come, first-served basis. Members of the public will also be able to observe the School Board Meeting through livestreaming on [www.vbschools.com](http://www.vbschools.com), broadcast on VBTV Channel 47, and on Zoom through the link below.

Attendee link: [https://us02web.zoom.us/webinar/register/WN\\_c2XR\\_LrMQV6Ap0AHI-PfEA](https://us02web.zoom.us/webinar/register/WN_c2XR_LrMQV6Ap0AHI-PfEA) Call-in (301) 715-8592 ID 836 0268 4725

The School Board's expectations regarding decorum, order and public comments can be found in School Board Bylaws [1-47](#) and [1-48](#). Public comment is always welcome by the School Board through their group e-mail account at [SchoolBoard@VBCPSboard.com](mailto:SchoolBoard@VBCPSboard.com) or by request to the Clerk of the School Board at (757) 263-1016. Requests for accommodations should be discussed with the Clerk of the Board by 9:00 a.m. on November 7, 2022.

- 1. Administrative, Informal, and Workshop:** Chair Rye convened the Administrative, Informal, and Workshop session at 4:01 p.m. on the 9<sup>th</sup> day of November 2022 and announced members of the public will be able to observe the School Board meeting through live streaming on [vbschools.com](http://vbschools.com), broadcast on VBTV Channel 47 and on Zoom. It is the School Board's protocol to break at 5:30 p.m. to prepare for the Formal Session at 6:00 p.m. At 5:30 p.m., the School Board will conclude unless the School Board votes to continue to no later than 5:45 p.m. to allow the School Board and the School Administration to prepare for the Formal Session of the School Board Meeting.

In addition to Superintendent Spence, the following School Board members were present in the School Board chamber: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton (arrived at 4:29 p.m.), Ms. Franklin, Ms. Holtz, Ms. Hughes (arrived at 4:02 p.m.), Ms. Manning, Ms. Riggs, and Ms. Weems (arrived at 4:07 p.m.)

The following School Board member attended via Zoom: Ms. Owens (medical reasons.)

- A. **School Board Administrative Matters and Reports:** There were no administrative matters or reports discussed at the Administrative, Informal, and Workshop session.
- B. **Facilities Update:** Melisa Ingram, Executive Director, Facilities Services, provided the School Board with a facilities update; Jack Freeman, Chief Operations Officer provided brief remarks and introduced Ms. Ingram; Ms. Ingram provided an overview of the presentation; Adopted CIP FY 22/23-27/28, new construction – school replacement projects, renovations and replacements (HVAC, roofing, foundations); reviewed CIP projects – approved FY 22/23: renovations & replacement projects, safe school improvements, energy performance contracts, elementary school playground equipment replacement, Achievable Dream at Lynnhaven Middle School, Princess Anne High School replacement, Bettie F. Williams/Bayside 6<sup>th</sup> (Grade 4-5) replacement, Bayside High School replacement; reviewed funding sources; shared information regarding historical/projected funding (included linear 5% inflation rate); recapped the PPEA (Public-Private Education Facilities and Infrastructure Act) interim agreement – three replacement schools; proposed interim agreement not-to-exceed total \$15,404,544; PPEA interim agreement status: School Board approved August 9, 2022, City Council approval – deferred to February 21, 2023. Long range renovation and replacement needs: HVAC, roofing, foundations; HVAC replacement – average five buildings a year; shared list of HVAC CIP 1-018 prioritized projects in 6-year CIP planning, FY23-FY28 HVAC \$63.5 million CIP appropriations over 6 years; shared list of Reroofing CIP 1-019 prioritized projects in 6-year CIP planning, FY23-FY28 Reroofing \$42.3 million CIP appropriations over 6 years; shared list of renovations and

replacements Various CIP 1-020 (some examples: foundation repairs, ADA improvements, auditorium seating, replacements: bleacher, carpets, ceiling, fire alarms, gym floors, emergency renovations, etc.), FY23-FY28 Various \$19.65 million CIP appropriations over 6 years; noted budget ranges are in current year dollar values – no escalation included. At the end of the presentation there was a brief discussion regarding grants; foundation repair replacement.

- C. Canvas Update: Sharon Shewbridge, Ph.D., Director, Instructional Technology provided the School Board an update related to the Canvas Adoption; recapped the history of learning management systems in VBCPS; 2021 – piloting Canvas in seven schools, beginning the process of moving assessments to Mastery Connect; 2021-2022 pilot schools Elementary (Kingston, Providence, Red Mill): simplified view for youngest learners, Department of Teaching and Learning built blueprint courses, curriculum documents directly into Canvas Modules, Google sites and curriculum, PLC course built at the school level for creating content; 2021-2022 pilot schools Secondary (Great Neck Middle School, Larkspur Middle School, Kellam High School, Kempsville High School): 60 teachers at school opening, Great Neck Middle School – full school second semester, PLC groups first semester, started working with LTI integrations, reviewed meaning of LTI, tested and used Grade Passback second semester; pilot schools feedback: better permissions control, more integrations with third party vendors (textbooks and resources), started working with course templates, best practices documents (elementary and secondary), Canvas Commons allows teachers to build and share resources; other information – three presentations to School Board, ITS' trained, updated *Growing with Canvas* course, shared what Pilot Schools were learning during monthly PD, multiple options for training started in February 2022, multiple layers for support; Camp Canvas – learning trails, recorded sessions (on demand); shared Canvas video reflection; reviewed 2022-2023 data on Grade Passback; shared examples of elementary dashboard, elementary course teacher view, elementary teacher view – PLC course, secondary student/teacher dashboard, secondary course home page – teacher, secondary course home page – student, secondary PLC course home page; teacher wins: visually appealing and easy to navigate, linking to class content is very quick and easy, searching content from other teachers, Gradebook sync, messages far exceed Schoology messaging, staff and student courses make it easy to administer; student wins: visually appealing, easy to navigate, to do list (assignments, announcements), feedback from teachers is easy to see, calendar tools; reviewed next steps – continued training, teachers/ITS review best practices and feedback, Canvas Commons, enhanced engagement based on feedback from students, feedback loop with Canvas leadership. The presentation continued with questions and comments regarding teachers adapting to Canvas; teacher learning curve; comparison to Schoology; clarification on Grade Passback; Canvas training classes; and development for parent use.

2. **Closed Session**: At 5:09 p.m., Vice Chair Melnyk made a motion, seconded by Ms. Anderson that the School Board recess into Closed Session in accordance with the exceptions to open meetings law set forth in Code of Virginia §2.2-3711 to deliberate on the following matters:
1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals.
  7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
  8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

School Board of the City of Virginia Beach  
School Administration Building #6 Municipal Center  
2512 George Mason Drive,  
Virginia Beach, VA 23456

Tuesday, November 9, 2022  
School Board Regular Meeting  
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Namely to discuss:

- A. Change in title for Director of Department of Internal Audit and status of interviews
- B. Disciplinary action/investigation statuses relevant to several employees
- C. School Board Attorney Evaluation instrument and
- D. Pending litigation matters report/status

There were ten (10) ayes in favor of the motion to recess into Closed Session: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0. Note: Ms. Owens did not vote since she was participating via Zoom.

Individuals present for discussion in the order in which matters were discussed:

- A. Change in title for Director of Department of Internal Audit and status of interviews: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.
- B. Disciplinary action/investigation statuses relevant to several employees: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.
- D. Pending litigation matters report/status: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 5:27 p.m.

Certification of Closed Session: Vice Chair Melnyk read the Certification of Closed Meeting:

**WHEREAS**, the School Board of the City of Virginia Beach has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this School Board that such closed meeting was conducted in conformity with Virginia law.

**NOW, THEREFORE, BE IT RESOLVED** that the School Board of the City of Virginia Beach hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered.

Ms. Anderson made the motion, seconded by Ms. Holtz. There were ten (10) ayes in favor of the motion for Certification of Closed Session: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

Vice Chair Melnyk made a motion, seconded by Ms. Anderson that the School Board change the title Internal Auditor, Director of The Office of Internal Audit to School Board Internal Auditor. There were ten (10) ayes in favor of the motion: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

- 3. **School Board Recess:** Chair Rye adjourned the Administrative, Informal, and Workshop session at 5:28 p.m.
- 4. **Formal Meeting (School Board Chambers) .....6:00 p.m.**
- 5. **Call to Order and Roll Call:** Chair Rye convened the meeting of the School Board in the School Board chamber at 6:01 p.m. on the 9<sup>th</sup> day of November and noted members of the public will be able to observe the School Board meeting through livestreaming on vbschools.com, broadcast on VBTV Channel 47, and on Zoom.

In addition to Superintendent Spence, the following School Board members were present in the School Board chamber: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems.

The following School Board member attended via Zoom: Ms. Owens (medical reasons.)

- 6. Moment of Silence followed by the Pledge of Allegiance**
- 7. Student, Employee and Public Awards and Recognition:** There were no awards or recognitions presented at the meeting.
- 8. Adoption of the Agenda:** Chair Rye called for any modifications to the agenda as presented. Hearing none, Chair Rye called for a motion to approve the agenda as presented. Ms. Franklin made the motion, seconded by Ms. Riggs. Without discussion, Chair Rye called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.
- 9. Superintendent's Report:** There was no report presented at the meeting.
- 10. Approval of Meeting Minutes**
- A. October 25, 2022 Regular School Board Meeting: Chair Rye called for any modifications to the October 25, 2022 regular School Board meeting minutes as presented. Hearing none, Chair Rye called for a motion to approve the October 25, 2022 meeting minutes as presented. Ms. Felton made the motion, seconded by Ms. Hughes. Without discussion, Chair Rye called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.

**11. Public Comments (until 8:00 p.m.)**

Chair Rye announced the School Board will hear public comments on matters relevant to PreK-12 public education in Virginia Beach and the business of the School Board and the School Division from citizens and delegations who signed up with the School Board Clerk prior to the meeting. Chair Rye mentioned information regarding speaker process, decorum and order, and submitting comments via group email.

There were seven (7) in person speakers (including four (4) student speakers); topic discussed were VDOE Model Policy; counseling services; transgender policy; teacher and student relationships; student rights; parental rights; banned books; SB 656; and public education.

The Public Comments ended at 6:22 p.m.

**12. Information**

- A. New Courses: Angela Seiders, Executive Director of Secondary Teaching and Learning presented the School Board the following information regarding new courses:
- MYP Physics: Recommendation that the School Board receive information regarding the proposed MYP Physics course for Princess Anne High School students in the 2023-2024 school year.
  - IB DP Sports, Exercise, and Health Science: Recommendation that the School Board receive information regarding the proposed International Baccalaureate Programme (DP) Sports, Exercise, and Health Science course for Princess Anne High School students in the 2023-2024 school year.
  - AP Physics C: Electricity and Magnetism: Recommendation that the School Board receive information regarding the proposed Advanced Placement (AP) Physics C: Electricity & Magnetism course for implementation in the 2023-2024 school year.
  - Honors World History and Geography: Recommendation that the School Board receive information regarding the proposed Honors World History and Geography Part 1 course for all students in the 2023-2024 school year.
  - AP Precalculus: Recommendation that the School Board receive information regarding the proposed course AP Precalculus and corresponding standards for implementation in the 2023-2024 school year.
  - Foundations of Police Science: Recommendation that the School Board receive information regarding the proposed course, Foundations of Police Science and corresponding course objectives for implementation in the 2023-2024 school year.
  - Renewable Energy Technologies I & II: Recommendation that the School Board receive information regarding the proposed courses program, Renewable Energy Technologies I & II and corresponding course objectives for implementation in the 2023-2024 school year.

Ms. Seiders provided information on the new courses; reviewed new science courses: MYP Physics, IB DP Sports, Exercise, and Health Sciences, AP Physics C: Electricity and Magnetism; the DP Sports, Exercise, and Health Science course is geared to students who desire to pursue a career in healthcare; MYP Physics will serve as an additional pathway in the Diploma Programme; there has been an increase in students interested in pursuing an engineering

degree post high school; Honors World History course expands the pathway supporting future ready students, develop and strengthen these disciplinary reasoning skills: evaluating evidence, explaining historical and geographic relationships, incorporating evidence; AP Precalculus: additional AP course, potential college credit, aligns to national standards, recognizable for college admissions and scholarships; Foundations of Police Science: collaboration with Virginia Beach Police Department, year-long 1 credit elective at select high schools, workforce pipeline, field experiences; Renewable Energy I & II: Advanced Technology Center, half-day program, 3 credits per level, nationally recognized industry credential opportunities, VBCPS and Community projects; reviewed budget impacts: Foundations of Police Science \$20,000, Renewable Energy I & II \$10,000, other course have no budget impact, OER (Open Educational Resources) will be leveraged and no new textbook adoptions will be needed; noted, no new funding is requested as part of the implementation; mentioned the following staff in attendance to help answer questions: Dr. Sara Lockett, Director of Technical & Career Education, Thomas Coker, Coordinator of Mathematics, Kris Troch, Coordinator of Social Studies, Keith Goodman, Coordinator of Science, and Jamie Owens, Coordinator of IB. The presentation continued with questions and comments regarding MYP Physics course and which school will be offering; pathway for Foundations of Police Science; VBPD Cadet Program; Dual Enrollment classes; OER to be used; teacher shortages – availability of teachers for new courses; location of course offerings (Foundation of Police Science, Renewable Energy Technologies I & II); additional prep time for new courses; Math Analysis compared to AP Precalculus; additional teacher certifications; student receiving industry certification; criteria for Honors World History and Geography; and build awareness of courses, pathways, and opportunities.

**13. Return to public comments if needed:** As noted under agenda item #11, Public Comments ended at 6:22 p.m.

**14. Consent Agenda:** Chair Rye read the following items on the Consent Agenda:

- A. **Resolution: American Education Week:** Recommendation that the School Board approve a resolution recognizing November 14-18, 2022, as American Education Week.
- B. Recommendation of General Contractor:
  1. **Pembroke and Trantwood Elementary Schools MUAU Replacement:** Recommendation that the School Board approve a motion authorizing the Superintendent to execute a contract with ZBZ & Associates Inc. for the Pembroke and Trantwood Elementary Schools Make-Up Air Unit Replacements in the amount of \$2,490,000.
  2. **Thalia Elementary School HVAC Replacement:** Recommendation that the School Board approve a motion authorizing the Superintendent to execute a contract with JRC Mechanical, LLC for the Thalia Elementary School HVAC Replacement in the amount of \$1,590,000.
- C. **Policy Review Committee Recommendations:** Recommendation that the School Board approve Policy Review Committee (PRC) recommendations regarding review, amendment, and repeal of certain bylaws and policies as reviewed by the PRC at its October 13, 2022, meeting.
  1. **Policy 3-51/School Activity Funds/Internal Accounts:** The PRC recommends amendments to change the Office of Internal Audit to the Department of Internal Audit and clarifying language regarding inventories.
  2. **Policy 5-9/Age of Entrance /Kindergarten:** The PRC recommends amendments to allow students transferring into kindergarten from out of the area to be exempted from the five-year-old age requirement if they have already been enrolled and attended a Kindergarten program.
  3. **Policy 5-14/School Attendance Zones:** The PRC recommends amendments to Section 4 a regarding timing of the annual report to the School Board by the BUC and to Section regarding the exclusion from tuition free attendance of children of staff.
  4. **Policy 6-13/School Day:** The PRC recommends clarifying language regarding the Superintendent's ability to close schools or alter school days or hours in the event of a weather event or other incident that interferes with safely conducting the school day.
  5. **Policy 7-57/Vehicles, Motorized Devices and Animals on School Grounds:** The PRC recommends significant amendments to clarify when animals that are not service animals may be brought to school or work.

After reading the items, Chair Rye asked for the resolution to be read. Ms. Holtz read the following resolution:



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**RESOLUTION**  
**American Education Week**  
**November 14-18, 2022**

**WHEREAS**, November 14-18, 2022, is recognized as the 101<sup>st</sup> annual American Education Week by the National Education Association to celebrate public education and honor individuals who are making a difference in ensuring every child receives a quality education; and

**WHEREAS**, the creation of this week has encouraged resolutions across the country to help encourage national support of public education; and

**WHEREAS**, American Education Week is a celebration of distinguished individuals, critical to the success of public education for the nation's nearly 50 million K-12 students; and

**WHEREAS**, the National Education Association calls for a week to be observed in all communities annually for the purpose of informing the public of the accomplishments and needs of the public schools to secure the cooperation and support of the public in meeting those needs; and

**WHEREAS**, the School Board of the City of Virginia Beach is focused on encouraging and recognizing the support for public education; and

**WHEREAS**, Virginia Beach City Public Schools, is committed to its relationships with the community and stakeholders through Compass to 2025, to increase public support and involvement in education

**NOW, THEREFORE, BE IT**

**RESOLVED:** That the School Board of the City of Virginia Beach designates the week of November 14-18, 2022, as American Education Week in the Virginia Beach City Public Schools; and be it

**FURTHER RESOLVED:** That a copy of this resolution be spread across the official minutes of this Board.

Adopted by the School Board of the City of Virginia Beach this 9<sup>th</sup> day of November 2022

After the resolution was read, Chair Rye called for a motion to approve the Consent Agenda items as presented. Ms. Franklin made the motion, seconded by Vice Chair Melnyk. Chair Rye called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.

**15. Action**

- A. Personnel Report / Administrative Appointments: Chair Rye called for a motion to approve the November 9, 2022 personnel and administrative appointments. Ms. Riggs made the motion, seconded by Ms. Franklin that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the November 9, 2022 personnel report along with administrative appointments as recommended by the Superintendent. Without discussion, Chair Rye called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0. There were no administrative appointments.
- B. Budget FY 21/22 Resolution Regarding Reversion and Revenue Sharing Formula Reconciliation: Crystal Pate, Chief Financial Officer provided a brief overview/recap of the five various versions; Ms. Anderson made a motion, seconded by Ms. Weems to put the options on the floor for discussion that way we can discuss all of them and then make a decision. Chair Rye called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.

A discussion followed regarding the various options; support for options 4 and 5; need to give to the community; opposition to option 5; sources of funding; uses of funds to help teachers; teacher retention; portion of funds to CIP; reduce CIP debt; responsibility to take care of schools (staff); tax money back to community; City Council and CIP; goodwill with City Council; overview of option 5; Ms. Manning made a substitute motion, seconded by Ms. Hughes to adopt option number 5 with additional language that states the School Board supports returning the money to the taxpayers at the discretion of City Council at no cost to the School Board in the amount of \$10 million dollars; there was a brief clarification on the motion and voting outcome. Chair Rye called for a vote. The School Board Clerk announced there were three (3) ayes in favor of the substitute motion: Ms. Hughes, Ms. Manning, and Ms. Weems. There were eight (8) nays opposed to the substitute motion: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Owens, and Ms. Riggs. The motion did not pass, 3-8-0.

The discussion continued regarding the various options; option 4; ESSER Funds; Ms. Anderson made an amendment to the original motion and stated motion is to adopt option 4 at this time, Ms. Riggs seconded the motion. Without further discussion, Chair Rye called for a vote. The School Board Clerk announced there were nine (9) ayes in favor of the motion: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Owens, Ms. Riggs, and Ms. Weems. There were two (2) nays opposed to the motion: Ms. Hughes, and Ms. Manning. The motion passed, 9-2-0.

**Budget Resolution Regarding FY 2021/22 Reversion and Revenue Sharing Formula Reconciliation  
OPTION 4**

**WHEREAS**, on September 27, 2022, the School Board was presented with a summary of the unaudited financial statements for FY 2021/22 (year-ending June 30, 2022), showing the reversion amount to the city's General fund; and

**WHEREAS**, \$15,680,703 is the amount of School Operating reversion funds available (excluding debt service and revenues over/under budget); and

**WHEREAS**, \$3,746,765 is the amount remaining in debt service from the FY 2021/22 budget due to the timing of bond sales, increasing the School Operating reversion amount to \$19,427,468; and

**WHEREAS**, \$938,410 came in as additional revenue over the appropriated budget, increasing the School Operating reversion amount to \$20,365,878; and

**WHEREAS**, \$296,396 reverted from the Athletics fund and \$409,492 reverted from the Green Run Collegiate Charter School fund; and

**WHEREAS**, the current total amount available for re-appropriation is \$21,071,766; and

**WHEREAS**, the city is currently indicating an FY 2021/22 revenue actual over budget of \$27,222,401 based on the Revenue Sharing Formula; and

**WHEREAS**, the total amount available for re-appropriation is \$48,294,167; and

**WHEREAS**, the Administration recommends the following for the available funds in the amount of \$48,294,167:

- \$35,294,167 to be re-appropriated to the FY 2022/23 Capital Improvement Program
  - \$3,746,765 to be transferred in the form of pay-as-you-go funding with a corresponding reduction in authorized but unissued Public Facility Revenue Bonds
  - \$5,572,862 to be transferred in the form of pay-as-you-go funding to offset state construction grants revenue under budget
  - \$10,547,220 to be transferred in the form of pay-as-you-go funding for project 1-015 Princess Anne High School Replacement
  - \$7,547,220 to be transferred in the form of pay-as-you-go funding for project 1-028 B.F. Williams/Bayside 6<sup>th</sup> (Grades 4-6) Replacement
  - \$4,880,100 to be transferred in the form of pay-as-you-go funding for project 1-029 Bayside High School Replacement
  - \$3,000,000 to be to be transferred in the form of pay-as-you-go funding for project 1-030 Payroll System Replacement
- \$11,000,000 to be re-appropriated to the School Reserve Special Revenue fund to be set-aside for projects 1-018 Renovations and Replacements - HVAC Phase III (\$9,200,000) and 1-019 Renovations and Replacements - Reroofing (\$1,800,000) for use in the FY 2023/24 Capital Improvement Program
- \$2,000,000 to be re-appropriated to the Risk Management fund

**NOW, THEREFORE, BE IT**

**RESOLVED:** That the School Board of the City of Virginia Beach approves the recommended uses of the FY 2021/22 Reversion and Revenue Sharing Formula Reconciliation funds as presented by the Administration; and be it

**FURTHER RESOLVED:** That the School Board requests that the City Council approve the re-appropriation of FY 2021/22 Reversion and Revenue Sharing Formula Reconciliation funds shown above; and be it

**FINALLY RESOLVED:** That a copy of this resolution be spread across the official minutes of this Board, and the Clerk of the Board is directed to deliver a copy of this resolution to the Mayor, each member of the City Council, the City Manager, and the City Clerk.

Adopted by the School Board of the City of Virginia Beach this 9th day of November 2022.

Crystal Pate reviewed next steps in which City will have public hearing, scheduled for December 6 and then to City Council for a vote on December 13. Superintendent Spence mentioned a discussion regarding ESSER funds would take place at the next School Board meeting; a workshop discussion on November 22.

- C. **Calendar Adjustment:** Chair Rye called for a motion to approve the calendar adjustment. Ms. Holtz made the motion, seconded by Vice Chair Melnyk. Matthew Delaney, Chief Schools Officer provided a recapped of the calendar adjustment to change Friday, January 27<sup>th</sup> on the 2022-2023 School Calendar to an adjusted dismissal day for all students; a discussion followed regarding student learning; teachers needing planning time; 4x4 schedule; transportation; next year's calendar; half days difficult for parents/guardians; teacher workload; teacher recruitment/retention; teachers need time; adding more to teacher workload. Without further discussion, Chair Rye called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the motion: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Owens, and Ms. Riggs. There were three (3) nays opposed to the motion: Ms. Hughes, Ms. Manning, and Ms. Weems. The motion passed, 8-3-0.
- D. **Policy Review Committee Recommendations:** Chair Rye asked the School Board members if any item needed discussion; Chair Rye made a motion to approve all the Policy Review Committee recommendations with one vote, the motion was seconded by Ms. Hughes. Without discussion, Chair Rye called for a vote to approve all items 1-24 as listed. The School Board Clerk announced the motion passed unanimously, 11-0-0.
1. **Bylaw 1-1/Authority and Title:** The PRC recommends no changes.
  2. **Bylaw 1-2/Corporate Seal:** The PRC recommends no changes.
  3. **Bylaw 1-3/Powers and Duties:** The PRC recommends no changes.
  4. **Bylaw 1-4/Responsibilities of the School Board:** The PRC recommends no changes.
  5. **Bylaw 1-5/Legal Counsel:** The PRC recommends amendment to reflect the new Department of Legal Services.
  6. **Bylaw 1-6/Fiscal Agent:** The PRC recommends one scrivener's change.
  7. **Bylaw 1-8/Composition/Election/Term of Office:** The PRC recommends amendments to reflect the change in the election system and adding language to address future changes to the election system.
  8. **Bylaw 1-10/Ineligibility for Office:** The PRC recommends grammatical changes and the addition of a legal reference.
  9. **Bylaw 1-12/Oath of Office:** The PRC recommends no changes.
  10. **Bylaw 1-13/Orientation/In Service Programs:** The PRC recommends adding a reference to the Virginia Public Record Act.
  11. **Bylaw 1-14/Compensation and Expenses:** The PRC recommends adding language to reflect the process for adjusting the salary for School Board Members, formatting changes, and scrivener's changes.
  12. **Bylaw 1-15/Vacancies:** The PRC recommends adding a legal reference.
  13. **Bylaw 1-16/Removal from Office:** The PRC recommends scrivener's changes.
  14. **Bylaw 1-17/Publications Regarding School Board:** The PRC recommends adding language to Section C regarding School Board Members responsibility for personal social media and adding legal references.



15. Bylaw 1-18/Officers: Election and Term of Office: The PRC recommends adding language regarding the voting procedures that will be used if the electronic voting board is not available.
16. Bylaw 1-19/Duties of Chair/Vice Chair: The PRC recommends no changes.
17. Bylaw 1-20/Duties of Clerk/Deputy Clerk/Bonds of Oath: The PRC recommends adding a paragraph A7 to reflect the Clerk's duties with regard to maintaining financial records as well as authorizing the Superintendent to provide assistance with maintenance of record and to add section C language authorizing the Superintendent to provide insurance coverage in lieu of a bond for the Clerk.
18. Bylaw 1-21/Officers: Vacancies: The PRC recommends scrivener's changes.
19. Bylaw 1-23/Authority of Members: The PRC recommends no changes.
20. Bylaw 1-24/Conflict of Interest/Immunity/Disclosure Statement of Personal Interest/Economic Advisory Interest: The PRC recommends amendments to reflect School Board Members duties to review agendas for conflicts of interests prior to participating in matters, to correct language regarding the School Board Attorney, and amend Section C from Immunity to Training with language concerning School Board Members' responsibilities to obtain necessary training.
21. Bylaw 1-34/Annual Report: The PRC recommends no changes.
22. Bylaw 1-43/School Board Meeting Minutes and Maintenance of Meeting Documents/Posting of Meeting Minutes: The PRC recommends no changes.
23. Bylaw 1-45/School Board Minutes Retention Schedule: The PRC recommends amendments regarding retention of records, saving records electronically and transferring records to the Library of Virginia, and adding a legal reference.
24. Appendix C: The PRC recommends clarify language regarding election of a chair as well as grammatical and scrivener's changes.

**16. *Committee, Organization or Board Reports:*** Kamala Lannetti, School Board Attorney mentioned the move to the Holland Road Annex, there will be signage and information will be in the meeting notices, meetings will start taking place at the Holland Road Annex starting in December, reminder to Public to check notices, planning on having the December 13 School Board meeting at the Holland Road Annex; reason for leaving School Administration Building – significant HVAC work for heating and cooling; Ms. Weems mentioned the Special Education Advisory Committee (SEAC) on November 21 at 6:30 p.m. at the Parks and Rec Administration Building; Ms. Franklin mention the Community Advisory Committee for Gifted Education (CAC) is meeting Monday night at 6:30 p.m.; Ms. Riggs mentioned the Policy Review Committee (PRC) meeting tomorrow at 9:00 a.m. in the School Board Conference Room; and Ms. Felton mentioned the Planning and Performance Monitoring Committee (PPMC) meeting on November 14 at 1:00 p.m.

**17. *Return to Administrative, Informal, Workshop or Closed Session matters:*** At 8:01 p.m., Vice Chair Melnyk made a motion, seconded by Ms. Riggs that the School Board recess into Closed Session in accordance with the exceptions to open meetings law set forth in Code of Virginia §2.2-3711 to deliberate on the following matters:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Namely to discuss:

- A. School Board Attorney Evaluation instrument

School Board of the City of Virginia Beach  
School Administration Building #6 Municipal Center  
2512 George Mason Drive,  
Virginia Beach, VA 23456

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There were ten (10) ayes in favor of the motion to recess into Closed Session: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0. Note: Ms. Owens did not vote since she was participating via Zoom.

Individuals present for discussion in the order in which matters were discussed:

- A. School Board Attorney Evaluation instrument: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems; Deborah Collins, Attorney, Yeng Collins Law, PLLC; Kamala H. Lannetti, School Board Attorney; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 8:18 p.m.

Certification of Closed Session: Vice Chair Melnyk read the Certification of Closed Meeting:

**WHEREAS**, the School Board of the City of Virginia Beach has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this School Board that such closed meeting was conducted in conformity with Virginia law.

**NOW, THEREFORE, BE IT RESOLVED** that the School Board of the City of Virginia Beach hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered.

Ms. Manning made the motion, seconded by Ms. Riggs. There were ten (10) ayes in favor of the motion for Certification of Closed Session: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

Vice Chair Melnyk made a motion, seconded by Ms. Anderson, that the School Board approve the School Board attorney evaluation instrument as presented in the Closed Session. There were ten (10) ayes in favor of the motion to approve the School Board attorney evaluation instrument: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

- 18. Adjournment:** Chair Rye adjourned the meeting at 8:19 p.m.

Respectfully submitted:

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Regina M. Toneatto, Clerk of the School Board

Approved:

\_\_\_\_\_  
Kimberly A. Melnyk, School Board Vice Chair