



# VIRGINIA BEACH CITY PUBLIC SCHOOLS CHARTING THE COURSE

## 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** **Tuesday, August 23, 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

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- 1. Administrative, Informal, and Workshop (Einstein.Lab):** Chair Rye convened the administrative, informal, and workshop session at 4:02 p.m. on the 23<sup>rd</sup> day of August 2022 and announced members of the public will be able to observe the School Board meeting through live streaming on 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.

The following School Board members were present in the Einstein Lab: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens (arrived 4:06 p.m.), and Ms. Riggs. Chair Rye noted Ms. Weems was not present due to personal travel and would be attending via Zoom. Ms. Weems was not on Zoom at the time of the roll call for the administrative, informal, and workshop session.

- A. School Board Administrative Matters and Reports: Chair Rye mentioned the school adoption list for School Board members to complete; an email from Natalie Allen, Chief Communications and Community Engagement Officer, regarding SOL results; Vice Chair Melnyk thanked the staff for the hard work in achieving the SOL results; Chair Rye mentioned a follow-up from the School Board retreat regarding a student School Board member, School Board members Ms. Franklin and Ms. Owens volunteered to research the role and share a recommendation; a brief discussion followed regarding the topic of a student School Board member. Chair Rye mentioned the New Teacher Orientation and acknowledged the School Board members who attended the event.
- B. Instructional Materials Notification Process: Kipp D. Rogers, Ph.D., Chief Academic Officer, Department of Teaching and Learning provided the School Board an update as it relates to SB 656 and parent notification; defined what are instructional materials; library materials are considered instructional materials when used for (i) for completion of an assignment, or (ii) as part of an academic or extracurricular educational program; reviewed SB 656 model policy, the provisions of the act shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools; Senate Bill 656 definition of sexually explicit content; process being designed - parent partnerships in the classroom – alignment with SB 656: step 1 – teacher notifies parent of text to be studied via a form, step 2 – schools provide access to the text if requested, parent returns the form to the teacher, step 3 – an alternative text is assigned to the student; shared form for parent notification of classroom instructional material; parent partnerships in the library – alignment with SB 656: 1 – place limits on choice selection, 2 – review library material prior to instructional use; shared form to limit access for certain materials and form for parental permission or library resources used for instructional purposes; reviewed next steps: make available to the public the texts that have sexually explicit content, communicate the process for parents; professional learning for teacher, library media specialists, and school administrators, timeline for compliance with SB 656 is January 1, 2023 – VBCPS has begun identifying the process to meet the deadline.

The presentation continued with questions and comments regarding ensuring parent notification; developing process; different forms for choice reading and instructional materials; parents knowing which books students are checking out of the library; use of Destiny program.

- C. SY 2022-2023 Health Safety Update: Jack Freeman, Chief Operations Officer, Department of School Division Services, provided the School Board information regarding plans and procedures for health safety for opening SY 2022-2023; reviewed planning considerations; introduced Dr. Caitlin Pedati, District Director, Virginia Beach Department of Public Health; Dr. Pedati continued the presentation and reviewed COVID-19 data, COVID-19 vaccine update; preventions – wash hands, stay home when sick; shared Monkeypox information and update, symptoms (skin rash, fever, chills, headache, swollen lymph nodes, etc.) and prevention (avoid close contact, vaccination), mentioned again – stay home when sick and hand washing; VBDPH response to Monkeypox – providing approximately 200-300 dose of vaccine per week, continue to target any person who is at higher risk, educational outreach; reviewed weekly influenza activity report, prevention tools – vaccine, stay home when sick, hand washing; shared online resources.

The presentation continued with questions and comments for Dr. Pedati regarding Monkeypox – long-term impact; strains of Monkeypox; vaccination for Monkeypox; Mr. Freeman continued the presentation; reviewed COVID prevention – self-screening, vaccinations, ventilation, respiratory etiquette and hand hygiene, cleaning and disinfecting, isolation rooms, face coverings, notifications (sent to specific groups), stay home when sick; Monkeypox prevention – education/awareness, coordinate with VBDPH as cases arise, cleaning and disinfecting, notifications in coordination with VBDPH; the presentation continued with brief comments and questions regarding isolation (COVID, Monkeypox), communication to families with updates and information to share.

The administrative, informal, and workshop concluded at 4:59 p.m.

- 2. Closed Session:** At 5:04 p.m., Vice Chair Melnyk made a motion, seconded by Ms. Franklin 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. A closed meeting pursuant to the exemptions from open meetings allowed by Section 2.2-3711, Part A, Paragraph 1, 7 and 8, as amended,

A. (1) for 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: namely: for the purpose of addressing the Superintendent's annual goals.

Namely to discuss:

1. Request for payment of legal fees for an employee.
2. The Superintendent's annual goals.

A. (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 and

A. (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.

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. Owens, and Ms. Riggs. The motion passed 10-0-0.

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

**A.1 PERSONNEL MATTERS**

1. Request for payment of legal fees for an employee: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs; Kamala H. Lannetti, School Board Attorney; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.
2. The Superintendent's annual goals: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs; Kamala H. Lannetti, School Board Attorney; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 5:24 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. Anderson. 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. Owens, and Ms. Riggs. The motion passed 10-0-0.

3. **School Board Recess:** Chair Rye adjourned the administrative, informal, and workshop session at 5:26 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 23<sup>rd</sup> day of August 2022 and noted public seating will be made available on a first-come, first-serve basis; members of the public will be able to observe the School Board meeting through livestreaming on vbschools.com, broadcast on VBT Channel 47, and on Zoom.  
  
The following School Board members were present in the School Board chamber: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs. The following School Board members were attending via Zoom: Ms. Franklin (health reasons, School Administration Building) and Ms. Weems (personal travel, out of state).
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. Ms. Hughes stated she had a proposed resolution and requested to add the proposed resolution to the information portion of the agenda; Ms. Weems suggested to add the resolution to the next scheduled School Board meeting since copies of the resolution were not provided to the School Board members; Ms. Hughes agreed to have the resolution presented at the next School Board meeting. Without any further modifications to the agenda, Chair Rye called for a motion to approve the

agenda as presented. Ms. Riggs made the motion, seconded by Ms. Anderson. Without discussion, Chair Rye called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.

9. **Superintendent's Report:** Superintendent Spence shared the following information: 1) all 82 testing sites are projected to earn state accreditation again for 2022-2023. The Virginia Department of Education's preliminary data shows VBCPS outperformed local districts in reading, writing, math, and science; 2) Back to School Care Fair on August 13 at Landstown High School, highlights included: approximately 3,000 people in attendance, 1,300 backpacks were donated and distributed, 150 students received haircuts, 280 students received vision screenings, thanks to Principal Paula Johnson and staff of Landstown High School, Department of Transportation for providing buses, and Office of Family and Community Engagement team for organizing the Care Fair; 3) the Green Schools National Network recently recognized VBCPS with several GreenPrint Trailblazer Awards: we received the GreenPrint Trailblazer Leadership Award for initiating a summit with Harvard University and Auburn University, Tim Cole, our sustainability officer, received a TrailBlazer Award for being instrumental in the promotion and development of the first LEED-certified elementary school in Virginia – Hermitage Elementary School and the first K-12 LEED Platinum transportation and maintenance facility in the country, and Old Donation School received a Trailblazer Award for advocating for integrated instruction and project-based learning for all; 4) several of our staff members will be collaborating with educators across the state as part of the Virginia Leads Innovation Network 4.0, the network is for educational leaders who recognize the need to continuously develop expertise and skills with a cohort of professionals; and 5) preparing for the new school year – new instructional staff involved in training, the Department of Teaching and Learning sponsored five professional development conferences for teachers, specialists, and administrators this summer, message of HOPE shared with new teachers and at Leadership Conference. The first day of school is on September 6.

10. **Approval of Meeting Minutes**

- A. August 9, 2022 Regular School Board Meeting: Chair Rye called for any modifications to the August 9, 2022 regular School Board meeting minutes as presented. Hearing none, Chair Rye called for a motion to approve the August 9, 2022 meeting minutes as presented. Ms. Riggs made the motion, seconded by Ms. Holtz. Without discussion, Chair Rye called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. There was one (1) abstention: Chair Rye (missing a large portion of the meeting due to delayed travel.) The motion passed, 10-0-1.

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 twelve (12) in person speakers (including two (2) student speakers) and ten (10) online speakers; topics discussed were out of school zone attendance; teacher retention; 30+ year step scale; library books; challenged books; parental rights; cell phone policy; materials/books in schools.

The Public Comments ended at 7:16 p.m.

12. **Information**

- A. Program Evaluation Schedule for 2022-2023: Heidi L. Janicki, Ph.D., Director of Research and Evaluation, Office of Planning, Innovation, and Accountability presented the School Board the schedule of program evaluations that will be completed by the Office of Planning, Innovation, and Accountability (PIA) during the 2022-2023 school year; the evaluations presented this year will include the following: **Environmental Studies Program:** Year 2 Comprehensive Evaluation – at the Chesapeake Bay Foundation's Brock Environmental Center, **Positive Behavioral Interventions and Supports (PBIS):** Year 2 Tier I Evaluation – focused on Tier 1 practices, **Achieve3000:** Comprehensive Evaluation – supplemental online literacy program, **Renaissance Academy Alternative Education Program:** Evaluation Readiness Report – to be presented next, **English as a Second Language (ESL) Program:** Evaluation Update – evaluation update was recommended from last year's ESL evaluation; mentioned Policy 6-26: Evaluation of New and Existing Programs; the proposed program evaluation schedule for the 2022-2023 school year is as follows: **Positive Behavioral Interventions and Supports (PBIS):** Year 3 Evaluation (Advanced Tiers) –

focus will be on the implementation of advanced tiers II and III of the PBIS framework across the division and will continue to examine outcome data, **Gifted Resource -Cluster Program: Comprehensive Evaluation** - will address aspects of program operation as well as outcomes, **Renaissance Academy Alternative Education Program: Year 1 Implementation Evaluation** - will focus on program operation and baseline data for student outcomes, **Canvas: Year 1 Implementation Evaluation** – a learning management system.

- B. Renaissance Academy Alternative Education Program: Evaluation Readiness Report: Noël G. Williams, Ph.D., Program Evaluation Specialist, Office of Planning, Innovation, and Accountability presented the School Board the Renaissance Academy Alternative Education Program: Evaluation Readiness Report, including the program’s goals and objectives and recommended evaluation plan; provided background information; the Renaissance Academy (RA) opened in 2010 to meet the needs of students who are not experiencing success in regular secondary (6-12) settings and to offer other alternative education opportunities that are available to students (Anti-Tobacco Use Program, Substance Abuse Intervention Program [SAIP], Choices, Student Support Specialists, Individual Student Alternative Education Plan [ISEAP], Online Learning); noted there were four goals and 18 objectives developed with the assistance for the Renaissance Academy staff; the four goals are:

- **Goal #1:** Students in alternative education at the Renaissance Academy will build relationships that help foster their ability to demonstrate social-emotional competencies.
- **Goal #2:** Students in alternative education will demonstrate success in school while attending Renaissance Academy.
- **Goal #3:** Students in alternative education will successfully transition to their home school following enrollment at Renaissance Academy.
- **Goal #4:** Students in alternative education will graduate and develop a post-graduation plan.

Reviewed the evaluation recommendation and plan; conduct a three-year evaluation of alternative education as follows: Year 1 (2022-2023): focus on implementation processes, analyze baseline student outcome data; Year 2 (2023-2024): continue to focus on implementation processes and any changes to program, continue to analyze student outcome data; Year 3 (2024-2025): focus on program effectiveness and attainment of goals and objectives; the evaluation focus areas will include: Operational components (i.e., purpose of alternative education, services provided, referral and transition process/criteria), student characteristics, staff characteristics, parent/family involvement/engagement, progress towards goals and objective, stakeholder perceptions, cost. The presentation continued with questions and comments regarding vocational training; Foreign Language; distance learning; stakeholders’ perception; educate public; update on things happening at Renaissance Academy; graduation and Goal 4 – at the graduation this year students shared thoughts and future goals.

- C. Policy 6-61/Instructional Materials/Selection

Regulation 6-61.2/Review and Challenge of Instructional Materials by Parents/Legal Guardians and Adult Students

Policy 7-12/Challenged Controversial Materials

Regulation 7-12.1/Complaints from Citizens: Challenged Controversial Curricular Materials

Donald E. Robertson, Ph.D., Chief of Staff presented the following based on request from School Board members in July 12 School Board meeting to discuss confusion related to parent/legal guardians, adult students and citizens ability to challenge instructional materials (specifically library materials); provided an overview of the presentation agenda; reviewed policy development authority and process; policy development process – Policy Review Committee (PRC) (comprised of three (3) School Board members, School Board Attorney, Chief of Staff, and Coordinator of Policy and Intergovernmental Affairs) meets monthly to review scheduled policies for review, approved changes to policies by the PRC become an Information item in an upcoming School Board meeting for discussion, in the following meeting – PRC items move to Consent or Action for vote; communication – approved policy changes are communicated to all division staff, posted on the inter-and intranet, and placed on the School Board’s SharePoint site; Policy 6-61 Instructional Materials/Selection – reviewed authority, process, and changes – added specific language to clarify those print and media/digital materials used as part of the course curriculum or teacher assigned materials, removed Editor’s note; Policy 7-12 Challenged Controversial Materials – reviewed process and changes - added paragraph noting 6-61.1 and 6-61.2 govern procedures for challenging materials by parents/legal guardians or adult students and 7-12.1 governs procedures for citizens without children in VBCPS to challenge materials, removed Editor’s note.

Reviewed regulation development authority and process; committee composed of School Board Attorney, Chief of Staff, Coordinator of Policy and Intergovernmental Affairs (CPIA), and Other Chief Officers or designees with

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supervisory oversight in the specific area; process - CPIA has established a process to review policies monthly as required by law, staff recommend changes based on changes to policy or new federal, state or DOE legislation/regulation to the CPIA, CPIA reviews proposed changes with School Board Attorney and Chief of Staff, final approval rests with School Board Attorney or Chief of Staff; communication - changes to regulations are shared with division staff and/or decimated to appropriate school personnel, posted on the inter- and intranet, and on the School Board's SharePoint site; Regulation 6-61.2 Review and Challenge of Instructional Materials by Parents/Legal Guardian or Adult Students – reviewed process and changes - designated this regulation governs rules for parents/legal guardians or adult students to challenge materials, added specific timelines and procedures to make the process clear, added specific language on how appeals to the School Board would be addressed; Regulation 7-12.1 Complaints from Citizens: Challenged Controversial Curricular Materials – reviewed process and changes - clarified materials for challenge as only those “prescribed as part of the required course curriculum” which would exclude ancillary resources which may include library books, removed any appeal to the School Board. The presentation continued with questions and comments regarding thanks for putting request on agenda; Bylaw 1-33; changes and revisions in Regulation 7-12; request to have PRC look at Regulations 7-12.1 and 6-61.2; PRC looks at polices; topics discussed in workshop – non-curricular books , library books, parent options; State recommendations; library books and curriculum materials; community input – not limiting citizens; appeal process; Senate Bill 656; parent partnership in classroom; parental forms; professionalism; request that School Board Attorney to provide School Board any updates on State recommendations.

- D. Policy Review Recommendations: 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 August 10, 2022 meeting; School Board Attorney, Kamala Lannetti presented the following:
1. Bylaw 1- 9/Qualifications: The PRC recommends amending bylaw to add language from recent statutory changes related to qualifications to hold office and language acknowledging the authority of the courts over election districts.
  2. Policy 2-15/Communications with Staff: The PRC recommends no changes to the Policy.
  3. Policy 4-8/Employee Input Process: The PRC recommends no changes to the Policy.
  4. Policy 6-29/Drug and Drug Abuse Education: The PRC recommends amending title as well as the addition of language.
  5. Policy 6-40/Science: The PRC recommends the removal of unnecessary language and editor's note. Current legal reference was added.
  6. Policy 6-54/Homework: The PRC recommends amendments to the language to bring the Policy in alignment with current Division guidelines for homework. There was a brief discussion regarding guidelines for homework that may be differentiated by grade levels.
  7. Policy 6-73/Testing and Assessment: The PRC recommends language that references the Standards of Learning (SOL), scrivener's changes and updated legal references.
  8. Policy 6-81/Adult Education: The PRC recommends adding a legal reference.
  9. Policy 6-82/Adult High School Diploma Program: The PRC recommends adding a legal reference.
- A brief discussion followed regarding Appendix B not being on the agenda; the PRC Chair asked to have Appendix B go back to the Policy Review Committee; following procedure; request from PRC Chair to return to PRC; questions about the policy/Appendix B.

**13. Return to public comments if needed:** As noted under agenda item #11, Public Comments ended at 7:16 p.m.

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

- A. Resolutions:
1. Suicide Prevention Week
  2. National Hispanic Heritage Month
- B. Policy Review 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 July 14, 2022 meeting.
1. Policy 3-22/Tuition Fees: The PRC recommends amending Section 2 to allow nonresident SECEP employees working in VBCPS schools to enroll their children tuition free.
  2. Policy 5-14/School Attendance Zones: The PRC recommends amending Section F(2) to allow nonresident SECEP employees working in VBCPS schools to enroll their children tuition free.

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3. Policy 6-46/Extracurricular Activities: The PRC recommends scrivener's changes and updates to the legal references.
  4. Policy 6-48/Middle School Activities Program: The PRC recommends scrivener's changes.
  5. Policy 6-51/Scheduling for Instruction: The PRC recommends scrivener's changes.
  6. Policy 6-53/Grouping Instruction: The PRC recommends scrivener's changes.
- C. Religious Exemption(s): Recommendation that the School Board approve Religious Exemption Case No. RE-22-01, RE-22-02, RE-22-03, RE-22-04, RE-22-05, RE-22-06 and RE-22-07.

Chair Rye called for a motion approve the items on the Consent Agenda as presented. Ms. Riggs made the motion, seconded by Ms. Hughes. Ms. Weems made a substitute motion to have two (2) votes on the Consent Agenda, first vote on the resolutions then a second vote on the remaining Consent items. Chair Rye asked School Board Attorney, Kamala H. Lannetti for clarification of the process. Ms. Manning made the second to Ms. Weems substitute motion. Ms. Lannetti confirmed the substitute motion as follows: to split the consent items 14.A.1-2 for a vote and a second vote on consent items 14.B.1-6 and 14.C. Ms. Weems confirmed and agreed with the motion, and Ms. Manning confirmed her seconded to the motion. Chair Rye called for a vote to approve the substitute motion. The School Board Clerk announced there were ten (10) ayes in favor of the substitute motion: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. There was one (1) nay opposed to the substitute motion: Ms. Holtz. The motion passed, 10-1-0.

Chair Rye called for a motion to approve the resolutions. Ms. Owens made the motion, seconded by Ms. Manning. Chair Rye asked for the resolutions to be read. Ms. Riggs read the following resolution:

**RESOLUTION**  
**Suicide Prevention Week**  
**September 19-23, 2022**

**WHEREAS**, suicide continues to be a top ten leading cause of death for multiple age groups in the United States and the third leading cause of death among individuals between the ages of 15 to 24; and

**WHEREAS**, suicide is now the second leading cause of death in the state of Virginia among individuals between the ages of 15 to 24; and

**WHEREAS**, suicide strikes without regard to locality, socio-economic status, ethnicity, religious preference or age; and

**WHEREAS**, in the United States, one person completes suicide every eleven minutes and on average there are more than twenty suicide attempts per each suicide completion; and

**WHEREAS**, education and community involvement are known to be the most crucial factors in preventing suicide; and

**WHEREAS**, the School Board of the City of Virginia Beach is focused on ways to educate students, parents and employees about suicide and prevention of suicide; and

**WHEREAS**, Virginia Beach City Public Schools, through sustained and dedicated efforts, has implemented programs for all employees and students that recognize a deep commitment at all levels to raise awareness of suicide and its prevention.

**NOW, THEREFORE, BE IT**

**RESOLVED**: That the School Board of the City of Virginia Beach designates the week of September 19-23, 2022, as Suicide Prevention and Awareness Week in Virginia Beach City Public Schools, and be it

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**FURTHER RESOLVED:** That strategies and activities to address suicide prevention and suicidal behaviors be ongoing in 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 23rd day of August, 2022

Ms. Owens read the following resolution:

#### RESOLUTION

#### National Hispanic Heritage Month September 15-October 15, 2022

**WHEREAS,** one of our Nation's greatest strengths is its vast diversity which enables Americans to see the world from many viewpoints; and

**WHEREAS,** National Hispanic Heritage Month honors the cultures and contributions of both Latino and Hispanic Americans; and

**WHEREAS,** Latino and Hispanic Americans embrace a deep commitment to family, community and education, and a perseverance to succeed and contribute to the shaping of the country and our City of Virginia Beach; and

**WHEREAS,** the 2022 Hispanic Heritage Month observance theme: "[Unidos: Inclusivity for a Stronger Nation](#)" invites us to reflect on the contributions Latino and Hispanic Americans have made in the past, and will continue to make in the future; and

**WHEREAS** the School Board of the City of Virginia Beach recognizes the importance of culturally responsive education that embraces multicultural diversity within our school division;

#### **NOW, THEREFORE, BE IT**

**RESOLVED:** That the School Board of the City of Virginia Beach officially recognizes September 15 through October 15 as National Hispanic Heritage Month; and be it

**FURTHER RESOLVED:** That the School Board of the City of Virginia Beach encourages all citizens to support and participate in the various school activities available during National Hispanic Heritage Month; 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 23<sup>rd</sup> day of August 2022.

Chair Rye called for a vote on the two (2) resolutions as presented. The School Board Clerk announced there was a unanimous vote. The motion passed, 11-0-0.

Chair Rye called for a motion to approve the Policy Review Recommendations, which were previously read and the Religious Exemptions. Ms. Felton made the motion, seconded by Vice Chair Melnyk. Chair Rye called for a vote. The School Board Clerk announced 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. Owens, and Ms. Riggs. There was one (1) nay opposed to the motion: Ms. Weems. The motion passed, 10-1-0.



**15. Action**

- A. Personnel Report / Administrative Appointments: Chair Rye called for a motion to approve the August 23, 2022 personnel report and administrative appointments. Ms. Anderson made the motion, seconded by Vice Chair Melnyk that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the August 23, 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. Superintendent Spence introduced the following: Alexis A. Downham, Administrative Assistant, Bayside Middle School as Assistant Principal, Bayside Middle School; Simone S. Boothe, Esq., Attorney, City of Portsmouth as Associate School Board Attorney, Department of Legal Services; and Kelly J. Singer, Professional Learning Specialist, Office of Professional Growth and Innovation as Coordinator, Professional Learning, Office of Professional Growth and Innovation.
- B. Policy Review Recommendations: Note: Chair Rye stepped down from the dais for a moment.
1. Policy 3-65/Security of Buildings and Grounds/Cell Phones and other Portable Telecommunications Devices: Vice Chair Melnyk called for a motion to approve Policy 3-65/Security of Buildings and Grounds/Cell Phones and other Portable Telecommunications. Ms. Manning made the motion, seconded by Ms. Holtz. Vice Chair Melnyk opened the floor for discussion; a discussion followed regarding use in nurses' office; smart watches; ear buds and cell phones; access in hallways and cafeterias; bus drivers; different levels of infractions; accommodations; health plan; carrying a phone on their person if do not have a backpack/purse; good processes in place for emergencies (AlertNow messages); support for no phones during instructional time; need parents help regarding policy; disciplinary guidelines; documentation to families; Code of Student Conduct; issue with screen time; thanks to staff. Without further discussion, Chair Rye called for a vote on Policy 3-65. The School Board Clerk announced the motion passed unanimously, 11-0-0.
  2. Regulation 3-65.1/Cellular Phones and Personal Communication Devices – Use During Instructional Time Prohibited: Chair Rye called for a motion to approve Regulation 3-65.1. Vice Chair Melnyk made the motion, seconded by Ms. Anderson. Chair Rye opened the floor for discussion; Matthew Delaney, Chief Schools Officer discussed wireless headphones verses wired headphones; disciplining of students be consistent; modeling technology behavior. Without further discussion, Chair Rye called for a vote on Regulation 3-65.1. The School Board Clerk announced the motion passed unanimously, 11-0-0.

- 16. Committee, Organization or Board Reports:** Ms. Felton shared on August 25, she will be at the VSBA Executive Board meeting in Charlottesville, any suggestions, or concerns to bring to the meeting – reach out to Ms. Felton, a link to the meeting should have been sent to School Board members, also Ms. Felton attended the Care Fair and mentioned it was a wonderful event.

- 17. Return to Administrative, Informal, Workshop or Closed Session matters:** At 9:36 p.m., Vice Chair Melnyk made a motion, seconded by Ms. Hughes 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. A closed meeting pursuant to the exemptions from open meetings allowed by Section 2.2-3711, Part A, Paragraph 1, 7 and 8, as amended,

A. (1) for 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: namely: for the purpose of addressing the Superintendent's annual goals.

Namely to discuss:

1. Request for payment of legal fees for an employee.
2. Contract Amendments to the Superintendent's employment contract.

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3. Audit Committee recommendations regarding changes to the Office of Internal Audit and the reposting of the job advertisement for the Internal Audit position.

A. (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 and

A. (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:

1. Status of pending litigation matters.

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. Owens, and Ms. Riggs.

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

#### **A.7. & A.8. CONSULATION WITH LEGAL COUNSEL**

Namely to discuss status of pending litigation matters: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs; Kamala H. Lannetti, School Board Attorney; Anne C. Lahren, Attorney, Pender & Coward; Regina M. Toneatto, Clerk of the Board.

Note: Anne C. Lahren, Attorney, Pender & Coward left the Closed Session at 10:11 p.m.

#### **A.1. PERSONNEL MATTERS**

Namely to discuss:

3. Audit Committee recommendations regarding changes to the Office of Internal Audit and the reposting of the job advertisement for the Internal Audit position: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs; Kamala H. Lannetti, School Board Attorney; Regina M. Toneatto, Clerk of the Board.
2. Contract Amendments to the Superintendent's employment contract: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs; Kamala H. Lannetti, School Board Attorney; Regina M. Toneatto, Clerk of the Board.
1. Request for payment of legal fees for an employee: School Board members: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs; Kamala H. Lannetti, School Board Attorney; Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 10:22 p.m.

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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. Holtz made the motion, seconded by Ms. Riggs. The motion passed with ten (10) ayes: Chair Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs

Vice Chair Melnyk read the following resolution for a vote:

#### **RESOLUTION REGARDING PAYMENT OF EMPLOYEE LEGAL FEES**

**WHEREAS:** That on November 10, 2021, a VBCPS middle school teacher was charged with assault and battery of a minor student; and

**WHEREAS:** That the charge against the teacher was dismissed by the Virginia Beach General District Court on April 4, 2022, and the charge was later expunged from the teacher's criminal record by the Circuit Court May 18, 2022; and

**WHEREAS:** That the teacher and her attorney are seeking payment of legal fees in accordance with Policy 2-59 in the amount of \$1,514.00 in legal fees and costs incurred in defending this charge and having her criminal record expunged; and

**WHEREAS:** That School Board Policy 2-59 allows the School Board to pay an employee's legal fees incurred as a result of a lawsuit filed against the employee in their official capacity and provided that the lawsuit is later dismissed against the employee.

**NOW, THEREFORE, be it:**

**RESOLVED:** That the School Board authorizes payment of the employee's legal fees and costs in the amount of \$1,514.00;

**FURTHER RESOLVED:** That the Clerk is directed to send a copy of this Resolution to the teacher, the teacher's attorney, School Board Attorney, the Chief Financial Officer, the Director of Business Services, and the Chief Human Resources Officer who is directed to place a copy of this Resolution in the employee's personnel file.

Adopted by the School Board of the City of Virginia Beach, Virginia this 23<sup>rd</sup> day of August 2022.

Chair Rye called for a motion to approve to resolution as presented. Ms. Manning made the motion, seconded by Ms. Anderson. Chair Rye called for a vote. The School Clerk announced 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. Owens, and Ms. Riggs. The motion passed, 10-0-0.

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Vice Chair Melnyk read the following: That the School Board adopt Amendment #12 to the Superintendent's Contract and that the School Board Chair, School Board Attorney, and the School Board Clerk are authorized to take all necessary actions regarding the completion of the Amendment. Chair Rye called for a motion to approve. Ms. Holtz made the motion, seconded by Ms. Riggs. 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 two (2) nays opposed to the motion: Ms. Hughes and Ms. Manning. The motion passed, 8-2-0.

- 18. Adjournment:** Chair Rye adjourned the meeting at 10:27 p.m.

Respectfully submitted:

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Regina M. Toneatto, Clerk of the School Board

Approved:

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Carolyn T. Rye, School Board Chair