



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

School Board Regular Meeting MINUTES

Tuesday, September 14, 2021

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

Closed Session: Chairwoman Rye called the session to order at 3:03 p.m. on the 14th day of September 2021. The following School Board members were present in the School Board chambers: Chairwoman Rye, Ms. Melnyk, Ms. Anderson (arrived at 3:05 p.m.), Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Owens, and Ms. Riggs. Chairwoman Rye called for a motion to move into closed session. Ms. Melnyk made a motion, seconded by Ms. Riggs that the School Board recess into a closed meeting SESSION pursuant to the exemptions from open meetings allowed by Section 2.2-3711, Part A, Paragraph 1, 7 and 8 of the Code of Virginia, 1950, as amended, for

PERSONNEL MATTERS: 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 pursuant to Section 2.2-3711(A) (1); namely to

- A. Discuss and consider the Superintendent’s annual goals and performance expectations.
- B. Consult 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.

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 the status of pending litigation related to the School Board.

The motion passed with eight (8) ayes with the following School Board members voting in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Owens, and Ms. Riggs.

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

1. **Personal Matters:**

- A. Discuss and consider the Superintendent’s annual goals and performance expectations: School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Owens, and Ms. Riggs; Superintendent Spence; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 3:25 p.m.

Certification of Closed Meeting: Ms. 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. Riggs made a motion, seconded by Ms. Holtz. Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed with eight (8) ayes with the following School Board members voting in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Owens, and Ms. Riggs. Chairwoman Rye adjourned the closed session at 3:27 p.m.

INFORMAL MEETING

1. ***Convene School Board Workshop:*** Chairwoman Rye convened the School Board workshop in the School Board chamber at 3:30 p.m. on the 14th day of September 2021 and announced pursuant to the Virginia State Health Commissioner's Order of Public Health Emergency Statewide Requirement to Wear Masks in K-12 Schools issued August 12, 2021, and Virginia Acts of Assembly No. 1303, Chapter 456, and the Center for Disease Control and Prevention (CDC)'s guidance for K-12 schools, and the School Board's 2021-2022 Reopening Plan adopted August 10, 2021, it is determined physical distancing will be used in School Board Chambers as a health mitigation strategy therefore there will be limited public seating available on a first-come, first- served basis beginning shortly before the Workshop session of the School Board Meeting. Members of the public will also be able to observe the School Board Meeting through livestreaming on www.vbschools.com, broadcast on VBT Channel 47, and on Zoom.

It is the School Board's protocol to break at 5:30 p.m. to prepare for the Regular School Board Meeting to begin at 6:00 p.m. At 5:30 p.m., the School Board will conclude its Informal Meeting unless the School Board votes to continue the Informal Meeting until 5:45 p.m. The Informal Session will conclude no later than 5:45 p.m. to allow the School Board and the School Administration to prepare for the Regular School Board Meeting at 6:00 p.m.

The following School Board members were present in the School Board chamber: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin (arrived at 3:33 p.m.), Ms. Holtz, Ms. Hughes, Ms. Owens, and Ms. Riggs. Chairwoman Rye noted School Board member Ms. Weems has a medical issue and would arrive for the 6:00 p.m. meeting and School Board member Ms. Manning would be arriving later due to a work obligation.

- A. School Board Administrative Matters and Reports: Chairwoman Rye mentioned School Board members and adopted schools; waiting for feedback from School Board members regarding choices.
- B. 2021-2022 Opening Update: Jack Freeman, Chief Operations Officer, Eugene Soltner, Ed.D., Chief Schools Officer, and Kipp Rogers, Ph.D., Chief Academic Officer provided an update to the School Board on the implementation of the Reopening plan, approved by the board on Aug. 10, 2021. This information included updates on the implementation of division health and safety mitigations based on guidance from national, state and local health officials; student transportation; reintroduction of safety teams; creation of a senior leadership review team; introduction of data and other factors to be considered when addressing COVID-19 cases; available vaccination clinics; teacher/staff supports from central support; school opening, high school athletics and extracurricular programs, staffing, and student enrollment; and external and internal communication pathways.
Mr. Freeman began the presentation; over 66,000 students back in schools; monitoring City of Virginia Beach transmission rates and vaccination coverage, VBCPS contact tracing metrics; reviewed Virginia Department of Health (VDH) data – cases 277.8, high level of transmission, percent positivity 14.3%; reviewed vaccine demographics – Virginia Beach: fully vaccinated – 12-15 years 42.2%, 16-17 years 56.9%; at least one dose: 12-15 years 52.3%, 16-17 years 65.1%; contact tracing – 183 positive cases, 127 not in schools, 143 close contacts, contact tracing will be challenging, combined effort with Virginia Beach

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Department of Public Health; reviewed updated VDH guidelines – decrease quarantine days from 14 to 10; vaccination clinics schedule; student transportation: 128 fewer drivers than 2019. 19 drivers in training, change requests – over 2,000 new requests, 60% of routes are less than 20 minutes late, 30% of routes are 20-40 minutes late, increase use of Edulog (bus tracking app), more parents driving students to/from school, shortage of crossing guards; COVID-19 Safety Teams: two teams of three; checking masking, distancing, seating charts; areas of focus: classrooms, cafeterias, gymnasiums, and school buses; beginning week of September 27; senior leadership review team – meets daily, goal – safely maintain 5 days a week of in-person learning, understand conditions in schools, prepare to make decisions, collaborate with VBDPH; Mr. Freeman introduce Dr. Rogers.

Dr. Rogers continued the presentation; provided an overview on support to teachers and plans to address unfinished learning; reviewed Teaching and Learning Framework – emphasizes planning, teaching, and assessing; analysis of student work (assessment) will drive collaboration, instructional planning (plan) and learning experiences (teach); reviewed portion of comprehensive local assessment plan, use balanced assessment, implement assessments (PALS, quick checks, just in time math assessments); reviewed concept of spiraling or bridging curriculum; small group reading instruction; briefly reviewed a sample of Grade 3 Virginia Beach objectives; VBCPS math block structures; SHORE (Students in High Yield Opening Routines and Exercises) site; tiered systems of support site: tier 1 – core classroom instruction, tier 2 – supplemental instruction, tier 3 – intensive interventions; science/social studies: content covered when naturally occurring in the curriculum (spiraled teaching), science and engineering practices – emphasis on process, investigation, design, and understanding; secondary support – instructional opportunities: summer reading intervention, summer boost programs; spiraling vs. reteaching; spiral reviews created for middle school math courses.

Dr. Soltner continued the presentation; provided a school opening summary – 100% of school opened to in person learning; senior staff and central support leaders visited 86 schools and centers; reviewed contingency plans for temporary closure (individual student, individual teacher, individual class(es), individual school, division); extracurricular successes – opened the 2021-22 school year with a full offering of athletics and activities, spectators back to outdoor activities, no known cases of transmission through athletics, no quarantine is needed for vaccinated athletes who are close contacts and asymptomatic; extracurricular challenges – some athletic events cancelled due to COVID quarantines, low participation numbers; first day of school enrollment numbers – elementary: 30,301; middle: 15,632; high: 20,458; division: 66,391; Mr. Freeman continued the presentation; communications – returning to School Safely webpage, family communications through AlertNow, employee COVID communications site (internal site). The presentation continued with questions regarding provisions for students quarantining; leave policy for teachers; tutors for students; TutorEd; bus drivers and masks; learning plan; specific guidance to parents to help support students – by individual and data; Chromebooks being taken home; teacher planning if needed for a closure; a word of appreciation to principals, teachers, administrative team for getting school ready and open for the school year.

- C. Status of Cooperative Agreement for Legal Services: School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney provided information regarding the Cooperative Agreement for Legal Services; agreement passed by School Board in June but did not pass City Council; provided a brief history of agreement; discussed potential models for legal services (in-house council, outside council, hybrid model); things to consider: what service, cost/budget, positions, legal resource systems, electronic files, office space, appropriate amount of time for transition; the discussion continued with questions regarding affecting other areas (i.e. benefits, health care); standard amount of time for transition (90 days); budget development – six months from adoption of budget, significant budget implications; data management system; creating committee for this purpose; general costs per hour for legal services; creating an ad hoc committee.
- D. The Legal Aspects in Collective Bargaining: School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney provided information regarding the requirements for developing a collective bargaining program; note the presentation is a continuation of a presentation begun in July 2021; reviewed things to consider; process starts with either a resolution authorizing collective bargaining or a petition on behalf of a group; 120 days to respond to a petition; items involved in collective bargaining – definitions, establishing employee bargaining units, verification of employees eligible for bargaining units, certification of bargaining units, various procedures; determination of what matters can be considered; classification of rights (mandatory, permissive); what will the School Board bargain; rights reserved to management;

permissive subjects; defining permissive vs. management; adoption of definitions; bargaining unit – School Board decides, the positions of the bargaining unit, identify the scope of the bargaining unit; reviewed who cannot be in a bargaining unit (School Board members, confidential employees, management level employees); defining management level employees; bargaining unit definition – which positions will be included in a bargaining unit, will School Board limit the bargaining units it will allow, what percentage of the bargaining unit employees must agree with the request to become a bargaining unit, certification process – need to develop the procedures; certification process – two types of certifications (certification of a bargaining unit, certification of an exclusive bargaining agent for a bargaining unit); decertification process – what percentage of bargaining unit employees must petition to decertify, who verifies the signatures, time limits.

The discussion continued regarding gathering data; providing feedback; committee to investigate; possible model like Meet and Confer; scenarios with costs; more details of employee input, meet and confer; mindful of other items considering (legal representation, opening plan, mitigations).

2. **Closed Meeting:** None during the informal meeting.
3. **School Board Recess:** Chairwoman Rye adjourned the workshop at 5:33 p.m.

FORMAL MEETING

4. **Call to Order and Verbal Roll Call:** Chairwoman Rye called the formal meeting to order at 6:03 p.m. on the 14th day of September 2021 and announced pursuant to the Virginia State Health Commissioner’s Order of Public Health Emergency Statewide Requirement to Wear Masks in K-12 Schools issued August 12, 2021, and Virginia Acts of Assembly No. 1303, Chapter 456, and the Center for Disease Control and Prevention (CDC)’s guidance for K-12 schools, and the School Board’s 2021-2022 Reopening Plan adopted August 10, 2021, it is determined physical distancing will be used in School Board Chambers as a health mitigation strategy therefore there will be limited public seating available on a first-come, first- served basis beginning shortly before the School Board Meeting. Members of the public will also be able to observe the School Board Meeting through livestreaming on www.vbschools.com, broadcast on VBT Channel 47, and on Zoom.

The following School Board members were present in the School Board chamber: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems.

5. **Moment of Silence followed by the Pledge of Allegiance**
6. **Student, Employee and Public Awards and Recognitions**
 - A. **Landstown High School – VHSL Group 6A Track State Champions:** The School Board recognized Mia O’Neil, a 2021 graduate of Landstown High School, who was the VHSL Class 6A 2020-2021 State Champion Outdoor Track. She won titles in the 200-meter dash with a time of 24.15 seconds and the 400-meter dash with a time of 55.26 seconds. This was her second state title in the 400-meter dash.
 - B. **Princess Anne High School – VHSL Film Festival in Commercial/PSA State Champion:** The School Board recognized Ella Schumacher, student at Princess Anne High School IB Program, who was the VHSL Film Festival 2020-2021 State Champion – Commercial/PSA Category. Her PSA titled “Expectations” focused on teen anxiety and reflected the pressure she and her peers faced regarding school and the future.
7. **Adoption of the Agenda:** Chairwoman Rye noted the Policy Review Committee (PRC) had a meeting on September 13 and made some amendments to certain Bylaws and policies in the Action and Information section; the amendments were sent out and the PRC will review during the meeting. Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Anderson. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.
8. **Superintendent’s Report:** Superintendent Spence shared the following information: 1) Start of the 2021-22 school year; welcomed more than 65,000 students, along with thousands of teachers and staff, back into our buildings; shared some photos from the first day of school, view other photos at #VBFIRSTDAY on the division’s Instagram, Facebook, or Twitter; 2) The division’s calendar is available on the calendar page on vbschools.com; reminder to make sure contact information with your child’s school is up to date with email addresses, phone numbers, etc.; staff should also check information to up to date; if there are issues with receiving messages via Alert Now – email AlertNowInfo@vbschools.com; 3) Recognitions by the Virginia Association for the Gifted: A) Sun-Siret Betancourt,

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Gifted Resource teacher at New Castle Elementary, was named as one of two 2021 Outstanding Teachers of Gifted; B) Jill Campbell was given the 2021 Gifted Parent of the Year Award; and C) Heidi Yeager, Gifted teacher at Kempsville Middle School, was named as one of two 2021 Outstanding Teachers of the Gifted.

9. Approval of Meeting Minutes:

- A. August 24, 2021 Regular School Board Meeting: Chairwoman Rye called for any modifications to the August 24, 2021 Regular School Board meeting minutes. Hearing none, Chairwoman Rye called for a motion to approve. Ms. Holtz made a motion, seconded by Ms. Anderson. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.
- B. September 1, 2021 Special School Board Meeting: Chairwoman Rye called for any modifications to the September 1, 2021 Special School Board meeting meetings. Hearing none, Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Anderson. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Owens, Ms. Riggs, and Ms. Weems. There were three (3) abstentions: Ms. Franklin (family obligations, did not attend meeting), Ms. Hughes (out of town travel, did not attend meeting), and Ms. Manning (family obligations, did not attend meeting). The motion passed 8-0-3.

- 10. Hearing of Citizens and Delegations on Formal Agenda Items:** Chairwoman Rye announced the School Board will hear comments on Formal Agenda items from citizens and delegations who signed up with the School Board Clerk prior to the meeting and stated information of speaking on formal agenda topics, decorum and order, and submitting comments via group email. There were twenty-seven (27) in-person speakers and fourteen (14) online speakers; topics discussed were Policy 5-7; transgender students; Bylaw 1-30; speakers; time limit for speakers; PRC meeting; Policy 5-28, parental rights, and model policy. The School Board took a short break at 8:10 p.m. at the conclusion of the in-person speakers. The meeting reconvened at 8:18 p.m. and continued with the online speakers.

Note: Ms. Weems left the meeting at 8:40 p.m.

- 11. Consent Agenda:** Chairwoman Rye called for a motion to approve. Ms. Holtz made a motion, seconded by Ms. Riggs. Chairwoman Rye noted the resolutions would be read first. After the resolutions were read, Chairwoman Rye stated the items on the Consent Agenda.

- A. Program Evaluation Schedule for 2021-2022: That the School Board approve the schedule of program evaluations that will be completed by the Office of Planning, Innovation, and Accountability (PIA) during the 2021-2022 school year.
- B. Resolutions
 - 1. National Hispanic Heritage Month: That the School Board approve a resolution recognizing National Hispanic Heritage Month. Ms. Owens read the following resolution:

**RESOLUTION FOR NATIONAL HISPANIC HERITAGE MONTH
September 15-October 15, 2021**

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 culture and contributions of both Latino and Hispanic Americans; and

WHEREAS, Latino and Hispanic Americans harbor 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 2021 Hispanic Heritage Month observance theme: "Esperanza: A Celebration of Hispanic Heritage and Hope" 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 14th day of September 2021.

2. Suicide Prevention Week: That the School Board approve a resolution recognizing September 20-24, 2021 as Suicide Prevention Week. Ms. Riggs read the following resolution:

**Resolution for Suicide Prevention Week
September 20-24, 2021**

WHEREAS, suicide is the 10th leading cause of deaths in the United States and the second leading cause of death among individuals between the ages of 15 to 24; and

WHEREAS, suicide is now the 2nd 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 12.8 minutes and there are 10 to 20 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 school staff 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 20-24, 2021, as Suicide Prevention and Awareness Week in the Virginia Beach City Public Schools, and be it

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 14th day of September, 2021

- C. Policy Review Committee Recommendations: The Policy Review Committee met on August 11, 2021 and proposes the following policy and regulation amendments or adoptions:
1. Policy 4-1 / Personnel/Employees of the Board: The PRC recommends amendments to remove references to benefits. Policy 4-37 now contains language regarding benefits. The time period for probationary employee is amended to be eighteen months to allow for longer periods of observation for employees who are hired later in the school year and do not work during the summer months.
 2. Policy 4-18 / Dismissal or Placement on Probation: The PRC recommends scrivener's changes.
 3. Policy 4-88 / Holidays: The PRC recommends the addition of Election Day in November as a holiday and clarifying language regarding when holidays can be observed.
 4. Regulation 5-21.1 / Student Suspension and Expulsion: The PRC recommends amendments to Subsection B out of school suspensions of ten days or less to reflect when five or more disciplinary referrals that have not been successful in correcting behavior will constitute reason for referral for corrective action plans and that multiple scrivener's changes be made.
 5. Policy 5-25 / Student Placement: The PRC recommends scrivener's changes.
 6. Policy 5-26 / Course Load: The PRC recommends scrivener's changes.
 7. Policy 5-27 / Promotion, Retention and Acceleration: The PRC recommends amendments to reflect current language on using multiple data points for decisions and clarifying who has authority to make final decisions.
 8. Policy 5-28 / Reporting Student Progress: The PRC recommends scrivener's changes.
 9. Policy 5-31 / Scholastic Records: The PRC recommends scrivener's changes.
 10. Policy 6-77 / Literacy and Response to Intervention Screening and Services: the PRC recommends adopting a new Policy 6-77 to be compliant with new legislation recording literacy and response to intervention screening and services.

Chairwoman Rye called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs. Note: Ms. Weems, at the time of the vote, was not present at the meeting. The motion passed 10-0-0.

12. Action

- A. Personnel Report / Administrative Appointment(s): Chairwoman Rye called for a motion to approve. Ms. Manning made a motion, seconded by Ms. Owens that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the September 14, 2021 personnel report along with administrative appointments as recommended by the Superintendent. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs. Note: Ms. Weems, at the time of the vote, was not present at the meeting. The motion passed 10-0-0. There were no administrative appointments.
- B. Policy Review Committee Recommendations
1. Policy 4-75 / Conditions of Employment: Chairwoman Rye called for a motion to approve. Ms. Holtz made a motion, seconded by Ms. Riggs. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Riggs. Note: Ms. Weems, at the time of the vote, was not present at the meeting. The motion passed 10-0-0.
 2. Policy 5-7 / Non-Discrimination/Non-Harassment of Students: Chairwoman Rye called for a motion to approve. Ms. Felton made a motion, seconded by Ms. Holtz. A discussion followed

regarding the policy; School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney, mentioned this was one of the policies that was updated – citation to the statute; safety of transgender students; support of Policy 5-7; thanked public for comments; difficult decision; implementation issue; further discussions and input on implementation of policy; regulations not included; vote on policy; shared research on regulations – state code, Bylaws; power and duties of Superintendent; following Bylaws; statement in regulations, policy direction; Bylaw 1-33; example of discipline regulation; challenge procedural issues; Ms. Lannetti read Policy 5-7 in regards to Superintendent and developing regulations; notification of changes; communication of changes through regulations presented to Policy Review Committee, communicated to principals/staff, reported in an update to the School Board, posted to website; parental rights; pronouns and names; federal government term sex includes gender identity and sexual orientation, discrimination; legal rights of parents; school counseling; misunderstanding of regulations; need to let administration know if something is happening, need to understand so can be addressed; Executive Order 14021; quality education and safe environment for students; topic of pronouns; don't support discrimination against any student; support the anti-discrimination and anti-bullying policies already in place; Oath of Office, violations with model policy; clarification of violation of law; mention of Tanner Cross case; implemented many components of VDOE model policy already (non-discrimination, non-harassment and non-bullying polices, dress code); General Assembly and Virginia Department of Education; and rights of employees.

Without further discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were seven (7) ayes in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Owens, and Ms. Riggs. There were three (3) nays opposed to the motion: Ms. Franklin, Ms. Hughes, and Ms. Manning. Note: Ms. Weems, at the time of the vote, was not present at the meeting. The motion passed 7-3-0.

13. Information

- A. **Budget Calendar:** It is recommended that the School Board review and approve the attached Budget Calendar for the FY 2022/23 Operating Budget and the 2022/23 – 2027/28 Capital Improvement Program. Crystal M. Pate, Chief Financial Officer, reviewed the Budget Calendar and mentioned key dates; November 16 – five-year forecast is presented to the School Board and the City Council; December 7 – Public Hearing is held to solicit stakeholder input; February 1 – the Superintendent's Estimate of Needs for FY2022/23 and Superintendent's Proposed FY 2022/23 – FY 2027/28 Capital Improvement Program budget presented to the School Board (Special School Board meeting); Tuesdays in February – budget workshops; March 1 – The FY 2022/23 School Board Proposed Operating Budget and FY 2022/23 – FY 2027/28 Capital Improvement Program Budget is adopted by the School Board (Special School Board meeting); March 8 – FY 2022/23 School Board Proposed Operating Budget and FY 2022/23 – FY 2027/28 Capital Improvement Program Budget is provided to City Council.
- A question was raised about the date of the Public Hearing and if it could take place in November; budget meetings with departments schedule October 18 – December 10; clarification of School Board meetings in December.
- B. **Policy Review Committee Recommendations (outcome of 9/9/21 PRC Meeting):** 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 September 9, 2021 meeting; School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney presented the following:
1. **Appendix B / amendment:** The PRC recommends amending the Standing Rules to reflect the authority of the School Board to alter the agenda and to change the order of certain agenda items.
- It was noted that speakers would be combined both agenda and non-agenda speakers for public comment; not removing speakers at all; clarified "may" stop speakers at 8 p.m.; items under Information would be presented by staff followed by hearing the remainder of public comments before any School Board voting; considerations of time for both public and staff; public comment before Consent/Action items; suggestion to add at the words after item seven – "but prior to any votes taking place"; public comments concerning School Board issues – need consistent language.

2. Bylaw 1-30 / Amendment, Suspension or Repeal of Bylaws: The PRC recommends amending the Bylaw to add provisions for suspension of the Bylaws and clarify amendment and repeal procedures.
A discussion followed regarding Robert's Rules of Order; 2/3 majority vote; if not all members are present for voting – dividing by two then adding one for majority vote (half plus one); what the majority number should be either seven or eight; amendment and suspension; need same language across Bylaws; prior to a meeting – how to notify of any changes; minimum notice requirement of 24 hours; send information via email; will send out policy and gather feedback.
3. Bylaw 1-32 / Approval for Content/Sufficiency, Format for Presentation, Policy Adoption, Amendment and Suspension: The PRC recommends amending the Bylaw to clarify procedures for amending policies and when policies may be amended, adopted or suspended.
A discussion followed regarding majority vote; seven as majority or half plus one; need to be consistent; minimum notice requirement; will send out policy and gather feedback.
4. Bylaw 1-36 / Open Meetings and Closed Meetings: The PRC recommends amending the Bylaw to clarify when the School Board may hold meetings electronically and clarifications regarding closed session and remote participation.
5. Bylaw 1-37 / Annual Organizational Meeting: The PRC recommends amending the Bylaw to remove unnecessary approval procedures in the Annual Organizational Meeting.
6. Bylaw 1-38 / Regular Meetings, Time and Place, Order of Business, Recessed Meetings, Work Session/Public Hearing, and Retreats and Abridged Meetings: The PRC recommends amending the Bylaw to reserve the right to alter dates and times for School Board Meetings, to clarify retreats and abridged meetings.
7. Bylaw 1-40 / Parliamentary Authority, Special Rules of Order, and Standing Rules: The PRC recommends amending the Bylaw to allow the School Board to not follow Robert's Rules when it chooses and to clarify that the Standing Rules will remain in effect until amended.
A discussion followed regarding majority vote; having seven votes as majority; will send out policy and gather feedback.
8. Bylaw 1-47 / Public Comments at School Board meetings: The PRC recommends amending the Bylaw to set forth the expectations for public comments.
A discussion followed regarding authority in building verse authority in the School Board chamber (Chair, Superintendent, Clerk); amount of time for speakers; suggestion of having one speaker speak for a group of people and provide 10 minutes to the one speaker; how to confirm student speakers; 2/3 vote; speaker handouts to School Board members; Chair in charge of meeting/room and breach of order; challenges of viewing the entire room while speakers are talking to the School Board; Safe Schools addressing decorum issues; sense of safety with Safe School present in the School Board chamber;
Ms. Manning made a motion to defer items 13.B.8 through 17 and place it on Information on the next agenda; Ms. Manning amended the motion to include when we finish the conversation on this topic (Bylaw 1-47); seconded by Ms. Hughes. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were wo (2) ayes in favor of the motion: Ms. Hughes and Ms. Manning. There were eight (8) ayes opposed to the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Owens, and Ms. Riggs. Note: Ms. Weems, at the time of the vote, was not present at the meeting. The motion failed 2-8-0.
The discussion continue keeping decorum and order; speaker time; consideration of time of staff; length of meetings; more speakers to be heard; PRC Special Meeting September 1; decorum - input from School Board members; another PRC Special Meeting September 13; suggestion of adding Chair to the Superintendent and designees which would include Safe Schools (last line in 2B); provide feedback in writing; three minute portion of Policy – would have saved an hour of time at the meeting; not limit the number of speakers.
Ms. Manning left the meeting at 12:08 a.m.
9. Bylaw 1-48 / Decorum and Order-School Board Meetings: The PRC recommends amending the Bylaw to clarify decorum and order expectations and to define when and where expressive activities are authorized.

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The discussion continued regarding no ban on bringing flags into School Board chamber; expressive activities; need clarifying language; parameters – use of items that block the view of others; items allow in meeting; gathering of people outside; use of certain parts of the grounds; First Amendment Rights; City’s code; designate areas; speakers waiting outside; working on a process to contact speakers; difference between expressive activities and waiting to speak, clarifying issue; permit for rally; logistics; creating policy for the future; suggestion of overflow space for speakers; use of wording of application not permit; clarification of displaying signs; bulleted items in policy; excessive cheering, and suggestion of quiet in chamber during speakers.

10. Policy 3-55 / Buildings, Facilities, Grounds, Vehicles and Equipment-Generally: The PRC recommends amendments to the Policy to clarify the definition of facilities and the conditions for use of facilities.
11. Policy 7-16 / Expressive activities: The PRC recommends amending the Bylaw to clarify those areas of School facilities where members of the public may conduct expressive activities.
12. Policy 7-17 / Visitors to School Board facilities and events: The PRC recommends amendments to the Policy to clarify expectations for visitors to facilities and events.
13. Policy 7-49 / Organizations Eligible to Use Facilities: The PRC recommends amendments to the Policy to clarify which groups may use facilities.
14. Policy 7-53 / Community Use of Facilities: Application and Approval for Use: The PRC recommends amendment to the Policy to clarify facilities and the authority of the Superintendent.
15. Policy 7-54 / Rules and Conditions for Use of Facilities: The PRC recommends amendments to the Policy to clarify the definition of facilities and the Superintendent’s authority.
16. Appendix C / School Board Standing Committee Procedures: The PRC recommends amendments to Appendix C to remind Chairs to consult Committee Members when rescheduling meetings so that Committee Members do not have to use limited remote participation opportunities.
17. Bylaw 1-28 / Committees, Organizations and Boards – School Board Member assignments: The PRC recommends amendments to Appendix C to remind Chairs to consult Committee Members when rescheduling meetings so that Committee Members do not have to use limited remote participation opportunities and to make the Bylaw consistent with other Bylaw amendments.

14. Committee, Organization or Board Reports: Chairwoman Rye noted any committee, organization, or board reports should be emailed to the School Board members.

15. Conclusion of Formal Meeting: The formal meeting concluded at 12:57 a.m.

16. Hearing of Citizens and Delegations on Informal Meeting and Non-Agenda Items: Chairwoman Rye announced the School Board will hear comments on Informal Meeting items and Non-Agenda items from citizens and delegations who signed up with the School Board Clerk prior to the meeting and stated information of decorum and order, and submitting comments via group email. There were two (2) online speakers; the topics discussed were attending a VBCPS high school while living out of district; transparency; space in meeting room/larger room; Robert’s Rules of Order; and threats.

17. Workshop: None.

18. Closed Meeting: School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney read the following motion:

I move that the School Board recess into a closed session pursuant to the exemptions of open meetings allowed by Section 2.2-3711, Part A, Paragraph 7 and 8 of the Code of Virginia, namely for

- A. 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. 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.

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Namely to discuss the status of pending litigation related to the School Board.

Ms. Melnyk made a motion; seconded by Ms. Felton. The motion passed with nine (9) ayes with the following School Board members voting in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, and Ms. Riggs.

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

1. **Consultation with legal counsel:**

- A. To discuss the status of pending litigation related to the School Board: School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, and Ms. Riggs; Superintendent Spence; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 1:26 a.m.

Certification of Closed Meeting: Ms. 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. Franklin made a motion, seconded by Ms. Riggs. Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed with nine (9) ayes with the following School Board members voting in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, and Ms. Riggs.

19. *Vote on Remaining Action Items:* None.

20. *Adjournment:* Chairwoman Rye adjourned the meeting at 1:28 a.m., Wednesday, September 15, 2021.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Carolyn T. Rye, School Board Chair