



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

School Board Regular Meeting MINUTES

Tuesday, September 28, 2021

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

INFORMAL MEETING

- I. Convene School Board Workshop:** Chairwoman Rye convened the School Board workshop in the School Board chamber at 3:32 p.m. on the 28th day do 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 VBTB 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, Ms. Holtz (arrived at 3:35 p.m.), Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems.

- A. **School Board Administrative Matters and Reports:** Chairwoman Rye mentioned the adopted school list and a few School Board members needed to choose their preferences; a brief discussion followed regarding a larger space for School Board meetings; suggested the Professional Development Center (PDC); administration would work on reserving the space; decision to be made later depending on transmission levels.
- B. **Forecast of Regular School Board Meeting Agenda Topics FY 22 – 2nd Quarter: October, November, December:** Superintendent Spence briefly reviewed agenda topics for the months of October, November, and December 2021; noted some information incomplete; working on dates for staffing (12/7) and benefits; reversion resolution; School Board member to notify Superintendent Spence if other topics need to be added; workshop and information presentations to be possibly abbreviated – case by case basis.
- C. **American Rescue Plan Act ESSER III:** Crystal Pate, Chief Financial Officer presented the School Board an update on the American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER) III allocation; provided a brief overview – over \$82 million has been allocated to VBCPS, period of availability: March 13, 2020 through September 30, 2023 with an additional 12 months extended for any carryover; allowable use of funds, factors to consider – COVID-19 pandemic impact on social, emotional, mental health, and academic needs of students, use of funds permissible under the Uniform Administrative Requirements, Cost Principles, and Audit requirements for Federal Awards, is expenditure reasonable and necessary; some

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examples of allowable uses of funds: address unfinished learning, mental health services and supports, educational technology, supplies to sanitize and clean buildings; address learning loss – reserve not less than 20% to address learning loss through the implementation of evidence-based interventions (e.g., summer learning, summer enrichment, etc.), interventions respond to students’ academic, social, and emotional needs; maintenance of equity – to ensure that local education agencies (LEAs), schools, and students that already experience opportunity gaps are not disproportionately impacted by any funding reductions that might result from the COVID-19 pandemic; plan requirements – operational plan: plan for safe return to in-person instruction and continuity of services, financial plan: describe how funds were used to implement prevention and mitigation strategies, address unfinished learning/lost instructional time (20% reserved for this purpose), use of remaining funds (80%); stakeholder engagement – public input, brief survey to provide input, survey open from August 3, 2021 to August 13, 2021, community was asked to select options of how to spend funding; over 6,700 responses; four categories: prevention and mitigation strategies (e.g., personal protective equipment PPE, contact tracing, COVID testing), address unfinished learning (e.g., expanding tutoring programming, internet supports, enhanced summer learning programs, virtual/distance learning), addressing student needs (e.g., support for at-risk student population, feeding students seven days a week), other uses of funds (e.g., facility improvements, technology); provided brief examples of items included in approved application.

The presentation continued with questions regarding obtaining a copy of the approved application for School Board members; camera for virtual learning; bus driver shortage and possible.

- D. Safe Schools Update: Jack Freeman, Chief Operations Officer and Thomas A. DeMartini, Director, Office of Safe Schools provided the School Board with an update from the Office of Safe Schools outlining activities, training, and response to COVID-19 mitigation strategies and security upgrades, as well as budget and grant funding; Mr. Freeman introduced Mr. DeMartini; discussed and reviewed the Safe School Team; COVID-19 mitigation – Safety Assessment Team coordination, vaccination facilitation, security assistant reassignment; training – CPI (crisis prevention institute), Raptor and Genetec training, Run Hide Protect, traffic control, CPR/AED, creation of new Security Assistant manual, August training – Raptor Emergency Management module training, Drill Management, Emergency Management; other projects: intranet upgrade; Mass Notification Systems – 39 installed, Emergency Response Guide, Crisis Response Team Handbook, Knox boxes, Securly; other tasks: election site facilitation (54 schools), reunification sites, DCJS State School Safety Audit, SRO Collaboration, School Board Meeting security, fencing/security gates; purchased and distributed 642 two-way radios; security computers upgraded for all elementary and middle schools; briefly mentioned grant funding – 2020-2021 SEG (School Equipment Grant) and 2022 COPS (Community Oriented Policing Services Grant); resume safety audits; COVID-19 Safety Assessment Teams.

The presentation continued with questions regarding monitoring Securly; specialized training in mental health; safety audit; assessment teams; advance notification; school threats; communication to parents; community engagement, Crisis Team Handbook.

- E. COVID Health and Safety Mitigations: Jack Freeman, Chief Operations Officer and Eugene F. Soltner, Ed.D., Chief Schools Officer provided the School Board with an update regarding COVID-19 health and safety mitigations including data updates, as well as process and support improvements; Mr. Freeman introduced the presentation and mentioned Dr. Nancy Welch, Acting Director, Virginia Beach Department of Public Health and Director, Chesapeake Department of Public Health was in attendance and available to take questions at the end of the presentation; reviewed data from VDH Level of Community Transmission – level high, cases 226.2, percent positivity 10.7%; contact tracing – 387 positive cases reported in our schools since September 1, explained and reviewed close contacts and quarantining, close contacts: 1,370 - required to quarantine 995 students and 37 staff, exempt from quarantine 215 students and 123 staff, connected cases: 15, process improvements – streamlined the contact tracing process, VBDPH contact tracers relocated to Plaza Annex Professional Development Center, 10 central staff members to support to school nurses; reviewed vaccine demographics for Virginia Beach; fully vaccinated – 12-15 years 44.6%, 16-17 years 58.6%; at least one dose – 12-15 years 53.9%, 16-17 years 66.1%; vaccination clinics at secondary school sites; HEPA filter deployment: 1,675 units, clinics and isolation rooms (152), approximately 3,300 units to deploy at 47 sites, projected final completion date is October 29; Mr. Freeman introduced Dr. Soltner. Dr. Soltner continued the presentation; reviewed enrollment numbers from 5-day, 10-Day, and projected; 98.25% of students are in person and less than 2% of students are virtual; school level mitigations; reviewed extracurricular updates – high school: 1803 students participating on 132 teams, 167 athletes (9.3%) and 11

coaches have quarantined, 23 teams affected by quarantine; middle school: 1060 students participating on 51 teams, 46 athletes (4.37%) and 1 coach have quarantined, 8 teams affected by quarantine.

Mr. Freeman continued the presentation; mentioned athletics are high risk activities; indoor athletics increase risk; preparation for winter athletics (November 8) all high school athletes must be fully vaccinated or participate in no-cost weekly COVID testing (VBCPS provided), includes out of season conditioning programs; reviewed additional vaccination clinics dates; the presentation continued with questions and discussions regarding if a negative test is needed for a student to return to school after quarantine; contact tracing and mask exemptions; contacting close contacts; required vaccination; Dr. Welch provided information regarding risk verses benefits; natural immunity in lieu of vaccination; opposition to mandatory vaccine; testing process; contact tracing; layers of mitigation, need more data before removing layered mitigation strategies; number of athletes who had COVID; not requiring athletes to get vaccine – they can get vaccine or get tested; Dr. Welch shared research information regarding masking; academics is a priority.

2. **Closed Meeting:** None during the informal meeting.
3. **School Board Recess** Chairwoman Rye adjourned the workshop at 5:15 p.m.

FORMAL MEETING

4. **Call to Order and Verbal Roll Call:** Chairwoman Rye called the formal meeting to order at 6:00 p.m. on the 28th 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 that 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. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The following School Board member attending the meeting via Zoom: Ms. Holtz due to health reasons/medical situation. Ms. Holtz joined the meeting via Zoom at 6:43 p.m.

5. **Moment of Silence followed by the Pledge of Allegiance**
6. **Student, Employee and Public Awards and Recognitions:** There were no awards or recognitions.
7. **Adoption of the Agenda:** Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Hughes. 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. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Holtz at the time of the vote, was not logged into Zoom.
8. **Superintendent’s Report:** Superintendent Spence shared the following information: 1) Recognized Windsor Oaks Elementary as a 2021 National Blue Ribbon School by the U.S. Department of Education of Exemplary Achievement Gap-Closing. Windsor Oaks is one of only seven schools in Virginia to be named as a 2021 National Blue Ribbon School; 2) Recognition of two teachers who have been accepted in the prestigious Virginia Declaration of Learning Program: Andrea Eisenberger, art teacher, Three Oaks Elementary School and Parthena Savides, fourth-grade teacher, Christopher Farms Elementary School; and 3) Beach Girls Rock! on October 23, the first of the 2021-22 series which will be held via Zoom. The Beach Girls Rock program is the division’s leadership empowerment program for our female students in grades five through eight. The event is free to attend but students and parents must register ahead of time, registration link is available on vbschools.com.
9. **Approval of Meeting Minutes:**
 - A. **September 14, 2021 Regular School Board Meeting:** Chairwoman Rye called for any modifications to the September 14, 2021 Regular School Board meeting minutes. Hearing none, Chairwoman Rye called for a motion to approve. Ms. Franklin made a motion, seconded by Ms. Melnyk. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the motion:

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Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Hughes, Ms. Owens, and Ms. Riggs. There were two (2) abstentions: Ms. Manning (left the meeting at midnight) and Ms. Weems (left the meeting due to health reasons). Note: Ms. Holtz at the time of the vote, was not logged into Zoom.

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 sixteen (16) in-person speakers and four (4) online speakers; topics discussed were Bylaws 1-47, 1-48, 1-28, 1-30; Policies 7-17, 7-53; public input; limiting speakers; reducing speaker time; rallies outside; First Amendment Rights; public comment; and flags.

11. *Consent Agenda:* Chairwoman Rye stated the items on the Consent Agenda and stated the resolution to be read.

A. Resolutions

1. Dyslexia Awareness Month: Ms. Anderson read the following Resolution:

**Resolution for Dyslexia Awareness Month
October 2021**

WHEREAS, dyslexia is a language-based learning disability that causes difficulties with reading, writing, spelling, and word pronunciation; and

WHEREAS, the onset and severity of dyslexia varies for each individual; and

WHEREAS, it takes individuals with dyslexia longer to process phonemic information, thus affecting academic growth, achievement, and self-esteem; and

WHEREAS, it is important to provide effective teaching approaches and educational intervention strategies for individuals with dyslexia; and

WHEREAS, Dyslexia Awareness Month is an opportunity to acknowledge educators utilizing effective teaching strategies, and to celebrate the many achievements of adolescents, students and adults with dyslexia; and

WHEREAS, the School Board of the City of Virginia Beach is committed to a continued focus on educating students, parents, and school staff about effective teaching strategies to address the needs of students with learning disabilities.

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach designates the month of October to be Dyslexia Awareness Month; and be it

FURTHER RESOLVED: That strategies and interventions to address the needs of students with learning disabilities 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 28th day of September 2021.

B. Budget Calendar: 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.

C. Recommendation of General Contractor: Elementary School Playground Equipment Replacement: That the School Board adopt a motion authorizing the Superintendent to execute a contract in the amount of \$294,394.11 with Play & Park Structures for the replacement of elementary school playground equipment at the following schools:

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- Brookwood Elementary School
- Malibu Elementary School
- Holland Elementary School

- D. Religious Exemption(s): That the School Board approve Religious Exemption Case No. RE-21-04 and RE-21-05.

Chairwoman Rye called for a motion to approve the Consent Agenda. Ms. Franklin made a motion, seconded by Ms. Owens. Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

12. Action

- A. Personnel Report / Administrative Appointment(s): Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Anderson that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the September 28, 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 the motion passed unanimously. There were no administrative appointments.
- B. Policy Review Committee Recommendations: That the School Board approve Policy Review Committee (PRC) recommendations from its August and September 2021 meetings and the recommendations of the School Board after reviewing the September 14, 2021 Information Agenda. School Board Members are advised to review the below listed Bylaws, Appendices and Policies due to amendments or clarifications that have been made by School Board Members since the September 14, 2021 meeting. School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney reviewed the following items after motions to approve:

1. Appendix B / amendment: Recommend 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.

Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Anderson. A discussion followed regarding the process for Bylaw and Policy review; speaker procedure – citizen hearings until 8:00 p.m., stop to conduct presentations, rest of speakers will be heard prior to any voting; restated speakers will be heard before voting. Without further discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

2. Bylaw 1-32 / Approval for Content/Sufficiency, Format for Presentation, Policy Adoption, Amendment and Suspension: Recommend amending the Bylaw to change the title, and to clarify procedures for adopting, amending, suspending, or repealing policies.

Chairwoman Rye called for a motion to approve. Ms. Anderson made a motion, seconded by Ms. Riggs. A discussion followed regarding suspending rules and policies – vote should be unanimous; majority verses unanimous vote; using 2/3 vote; number to use for 2/3 vote either 7 or 8; suspending a policy; voting if 11 School Board members then 7, if less than 11 School Board members then majority plus 1; 2/3 should be 8 for rounding up; minimum notice requirement time; majority vote language in two sections – need to be consistent; use of 7 as the threshold – rounding; procedure - Policy Review Committee then to Information then Action/Consent; Ms. Lannetti read edits to Section D; discussion continued regarding voting numbers, majority vote, 2/3 vote, Robert's Rules on votes; Ms. Lannetti read edits to Section C.

Ms. Manning made a substitute motion to send Bylaw 1-32 back to Policy Review Committee and was seconded by Ms. Weems. 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. Felton, Ms. Franklin, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Weems. There were three (3) nays opposed to the motion: Ms. Anderson, Ms. Holtz, and Ms. Riggs. The motion passed 8-3-0.

3. Bylaw 1-36 / Open Meetings and Closed Meetings: Recommend amending the Bylaw to clarify when the School Board may hold meetings electronically and clarifications regarding closed session and remote participation.

Chairwoman Rye called for a motion to approve. Ms. Anderson made a motion, seconded by Ms. Franklin. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

4. Bylaw 1-37 / Annual Organizational Meeting: Recommend amending the Bylaw to remove unnecessary approval procedures in the Annual Organizational Meeting.

Chairwoman Rye called for a motion to approve. Ms. Manning made a motion, seconded by Ms. Anderson. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

5. Bylaw 1-38 / Regular Meetings, Time and Place, Order of Business, Recessed Meetings, Work Session/Public Hearing, and Retreats and Abridged Meetings: Recommend amending the Bylaw to reserve the right to alter dates and times for School Board Meetings, and to clarify retreats and abridged meetings.

Chairwoman Rye called for a motion to approve. Ms. Owens made a motion, seconded by Ms. Anderson. There was a brief discussion regarding format of retreat and abridged meetings; voting on personnel appointments at abridged meeting; not voting at retreats and abridged meeting with exception of personnel and agenda. Without further discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

6. Bylaw 1-40 / Parliamentary Authority, Special Rules of Order, and Standing Rules: Recommend changing the title and amending the Bylaw regarding the Special Rules of Order and the Standing Rules.

Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Anderson. A discussion followed regarding Robert's Rules of Order; use of Bylaws to govern Board – absence of Bylaw to use Robert's Rules of Order; Standing Rules; Ms. Manning made a substitute motion to send Bylaw 1-40 back to Policy Review Committee and was seconded by Ms. Hughes; suggested to make edits. Ms. Manning withdrew her substitute motion and was agreed upon by Ms. Hughes who seconded the motion.

Ms. Anderson made a substitute motion to not strike out Bylaw 1-40 Section A – Parliamentary Authority and return Section B – Special Rules of Order with removal of the last sentence in Section B to original format/verbiage and return Section C – School Board Standing Rules to original format/verbiage; motion was seconded by Ms. Riggs.

A brief discussion followed regarding majority vote and 2/3 vote; clarification and recap of the motion on the floor; Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

A brief discussion continued regarding the number of votes to amend, suspend or appeal a Bylaw when all eleven School Board members are present; current number is 7; use of number 8 instead of 7; Robert's Rules of Order; Chairwoman Rye called for a vote on Bylaw 1-40 with present language. 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 four (4) nays opposed to the motion: Ms. Franklin, Ms. Hughes, Ms. Manning, and Ms. Weems. The motion passed 7-4-0.

7. Bylaw 1-47 / Public Comments at School Board meetings: Recommend amending the Bylaw to set forth procedures and expectations regarding public comments at School Board Meetings.

Chairwoman Rye called for a motion to approve. Ms. Anderson made a motion, seconded by Ms. Felton. A discussion followed regarding listening to speakers; speaker time reduction from four minutes to three minutes; order of speakers; student speakers first; length of meetings; conducting the business of the School Board; speaker format in other school divisions; discussion regarding an amendment to Bylaw and wording; Ms. Manning suggested to use previous language in Section A; suggested to have first paragraph read, "At regular School Board meetings and Public Hearings shall accept comments..."; the substitute motion was recapped; Ms. Owens confirmed the substitute motion and was seconded by Ms. Manning. Chairwoman Rye called for a vote. The School Board Clerk announced the substitute motion passed unanimously.

The discussion continued regarding accepting public comment; limiting comment; discussion of Section C items #5 and #11; speaker time; Ms. Weems made a substitute motion to remove sentence in Section A, "The School Board reserves the right to not accept public comments at any meeting.", delete Section C item #5 and delete Section C item #11 and was seconded by Ms. Melnyk. Chairwoman Rye called for a vote. The School Board Clerk announced the substitute motion passed unanimously.

The discussion continued with appreciation of the changes; speaker time at three minutes; speaking one time; number of items on agenda; long meetings; clarification of Section B item #2; combining agenda and non-agenda speakers; Ms. Manning made a substitute motion to Section C item #3 to change speaker time back to four minutes and was seconded by Ms. Hughes. Without discussion, Chairwoman 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: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz; Ms. Owens, and Ms. Riggs. The substitute motion did not pass 3-8-0.

Chairwoman Rye called for a vote on the Bylaw 1-47 as it presently stands. The School Board Clerk announced there were nine (9) ayes in favor of the motion: Chairwoman Rye, Ms. 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.

8. Bylaw 1-48 / Decorum and Order-School Board Meetings: Recommend amending the Bylaw to clarify decorum and order procedures and expectations during School Board Meetings.

Chairwoman Rye called for a motion to approve. Ms. Franklin made a motion, seconded by Ms. Anderson.

Ms. Hughes provided the following substitute motion to the School Board members and was seconded by Ms. Manning:

Bylaw 1-48 Decorum and Order – School Board Meetings

- A. Purpose of decorum and order during meetings

The School board determines that decorum and order are necessary during School Board meetings. The purposes for maintaining decorum and order are:

1. To ensure that the affairs of the School Board and School Board Committees may be conducted in an open and orderly manner during meetings;

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2. That all persons signed up to address the School Board during public comment sections of the meetings have the opportunity to do so in an orderly and respectful manner and without being interrupted;
3. That persons in attendance may observe and hear the proceedings of the School Board without distraction and interruption;
4. That students and other young audience members who attend or watch such meetings are not subject to inappropriate language or conduct;
5. That School Board members and School Division employees or other agents can transact the business of the School Board and the School Division with minimal disruption;

B. Limitation on addressing the School Board

Persons addressing the School Board during public comment sections of the meeting shall:

1. Limit their comments to matters relevant to PreK-12 public education in Virginia Beach and the business of the School Board and the School Division;
2. Refrain from obscenity, vulgarity, and comments or actions with the intent to incite violence or other breach of peace;
3. Comply with the time limits and guidelines for public comment set forth in the agenda and Bylaws.

C. Other expressive activities during meetings

1. Public comments during meetings are limited to matters relevant to public education and the business of the School Board.
At School Board meetings, the School Board accepts public comment during designated sections of the meeting agenda. The public comment sections of School Board meetings are limited public forums for the sole purpose of accepting comments from members of the public relevant to PreK-12 public education in Virginia Beach and the business of the School Board and the School Division. The School Board does not accept other forms of public comment during meetings or at those times immediately preceding or following a meeting.
2. Expressive activities during meetings

To maintain decorum and order and conduct the business of the School Board and the School Division during meetings, expressive activities by members of the public in chambers will be limited. The following is prohibited in chambers during a School Board meeting:

Petitioning, demonstrating, picketing, or solicitation
Pamphlet distribution
Conducting polls
Use of noise-making devices
Intimidation, harassment, or threats to persons in the meeting or who are entering or departing the meeting

Instigating or attempting to instigate confrontations or other conduct for the purpose of disrupting the meeting

The American Flag will not be prohibited from the School Board meeting place or its grounds

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D. Other methods of communicating with the School Board

The School Board encourages citizens and other interested parties to communicate with the School Board regarding matters related to public education. Due to the limited time scheduled to conduct business, School Board meetings may not be conducive for all forms of communication to the School Board. Persons seeking to communicate with the School Board may contact School Board members through other methods of communication, including VBCPSSchoolBoard@googlegroups.com or email Board members individually.

Persons addressing the School Board may deliver to the School Board or its Clerk written materials including, but not limited to, reports, charts, graphs, statements, exhibits, letters, or signed petitions prior to or after a meeting. Public speakers, while addressing the Board, may not approach the Board to hand out items but will instead be directed to leave items with the Clerk or designee for the School Board to consider after the meeting.

This Bylaw does not preclude persons called to address the School Board during their public comments do long as that item does not interfere with the School Board and other persons observing the meeting from hearing or seeing the speaker and the item does not create a safety issue or otherwise violate decorum and order.

E. The Chair shall preserve decorum and order in the room where the meeting is taking place and shall decide questions or decorum and order during the meeting. School Board members may vote to overrule the Chair's decision at the time that the Chair makes the decision.

F. The School Administration, law enforcement, and authorized agents will have responsibility for maintaining decorum and order outside of the meeting room and outside of a building where a meeting is taking place.

G. No person attending a meeting of the School Board shall use any device in a manner that disrupts the conduct of business within the room in which the School Board or a Committee thereof is meeting. Notice of this restriction shall be posted outside of the School Board meeting room and on the agenda for any School Board or Committee meeting.

H. At the request of the Chair, a city police officer or other law enforcement shall act as sergeant-at-arms at all School Board meetings.

A discussion followed regarding the substitute motion presented; expressive activities; clapping at meeting; gathering in parking lot; not limiting public; safe schools; decorum; flags; not banning the American flag; recapped the motion on the floor; Ms. Manning made a substitute motion to send Bylaw 1-48 back to the Policy Review Committee; seconded by Ms. Melnyk. Chairwoman Rye called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the substitute motion: Chairwoman Rye, Ms. 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 motion: Ms. Holtz. The substitute motion passed 10-1-0.

9. Appendix C / School Board Standing Committee Procedures: Recommend amendments to Appendix C to clarify procedures for changing and running meetings and to make the Appendix consistent with other Bylaw amendments.

Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Franklin. A discussion followed regarding wording; receiving materials – three days in advance; flexibility and circumstances of gathering materials; material ahead of time for voting items; available for the public; support for getting materials in advance. 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. 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.

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10. Bylaw 1-28 / Committees, Organizations and Boards – School Board Member assignments: recommend amendments to the Bylaw to clarify procedures for changing and running meetings and to make the Bylaw consistent with other Bylaw amendments.

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.
11. Bylaw 1-30 / Amendment, Suspension or Repeal of Bylaws: Recommend amending the Bylaw to clarify the procedures for adopting, amending, suspending, or repealing Bylaws.

Chairwoman Rye called for a motion to approve. Ms. Anderson made a motion, seconded by Ms. Riggs. A discussion followed regarding the wording of Bylaw; suspending Bylaws; reviewed original language; vote of 7; amending Bylaw; Bylaw requires majority vote; suspension of Bylaw; reason/example to suspend a Bylaw; flexibility; reviewed proposed draft; Ms. Manning made a motion to send Bylaw 1-30 back to the Policy Review Committee and was seconded by Ms. Hughes. A suggestion was made not send back to Policy Review Committee and work on Bylaw; Ms. Manning withdrew her motion and Ms. Hughes agreed. The School Board would return to vote on Bylaw 1-30.
12. Policy 3-55 / Buildings, Facilities, Grounds, Vehicles and Equipment-Generally: Recommend amendments to the Policy to clarify the definition of facilities and the conditions for use of facilities.

Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Melnyk. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

The School Board members took a recess at 11:15 p.m. and resumed the meeting at 11:22 p.m.

The School Board members returned to discuss Bylaw 1-30; prior draft was reviewed and read; mentioned that amending or appealing Bylaws should be presented on Information Agenda first then voted on in the next meeting; noted to have section A as Amendment, Repeal, and section B as Suspension; draft reviewed switched order of A and B; added word Adoption to section A title; changes were reviewed; Chairwoman Rye called for a motion to approve the updated Bylaw 1-30 as reviewed and discussed. Ms. Anderson made a motion, seconded by Ms. Hughes. Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.
13. Policy 7-16 / Expressive activities: Recommend amending the Bylaw to clarify those areas of School facilities where members of the public may conduct expressive activities.

Chairwoman Rye called for a motion to approve. Ms. Felton made a motion, seconded by Ms. Franklin. The changes of the policy were reviewed; Ms. Hughes made a substitute motion to return Policy 7-16 to Policy Review Committee due to the overlap with Bylaw 1-48 and was seconded by Ms. Manning.
A brief discussion followed regarding the overlap with Bylaw 1-48; expressive activities; without further discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the substitute motion passed unanimously.
14. Policy 7-17 / Visitors to School Board facilities and events: Recommend amendments to the Policy to clarify expectations for visitors to facilities and events.

Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Owens. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

15. Policy 7-49 / Organizations Eligible to Use Facilities: Recommend amendments to the Policy to clarify which groups may use facilities.

Chairwoman Rye called for a motion to approve. Ms. Anderson made a motion, seconded by Ms. Hughes. A brief discussed followed regarding campaigning; visits from political figure; differences between campaigning and visiting; addition of wording “or any individual candidate” at end of Section D – Political groups or campaigning; Ms. Anderson made a motion to accept the additional wording as presented and was seconded by Ms. Hughes. Chairwoman Rye called for a vote on Policy 7-49 with the additional wording as discussed. The School Board Clerk announced the motion passed unanimously.

16. Policy 7-53 / Community Use of Facilities: Application and Approval for Use: Recommend amendment to the Policy to clarify facilities and the authority of the Superintendent.

Chairwoman Rye called for a motion to approve. Ms. Owens made a motion, seconded by Ms. Melnyk. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

17. Policy 7-54 / Rules and Conditions for Use of Facilities: Recommend amendments to the Policy to clarify the definition of facilities and the Superintendent’s authority.

Chairwoman Rye called for a motion to approve. Ms. Owens made a motion, seconded by Ms. Melnyk. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

13. Information

- A. New Course: Interpersonal Communications (CST 126): Cameron Vadersen-Jacob, Secondary English Coordinator presented the School Board information on the Interpersonal Communication (CST 126) Tidewater Community College (TCC) elective as a Virginia Beach City Public Schools (VBCPS) Dual Enrollment course; course replaces Intercultural Communication (CST 229); TCC updated coursework for degree; three credit hours; no assigned textbook; a brief discussion about the program and the Entrepreneurship and Business Academy.
- B. Interim Financial Statements: June (unaudited), July and August 2021: Daniel G. Hopkins, Director, Business Services presented the following information to the School Board; fiscal year ending June 30, 2021 the overall final revenue trend was favorable; actual over budget amount of approximately \$10.1 million; Commonwealth of Virginia revenue source was unfavorable; actual under budget of approximately \$1.9 million; March 31st ADM lower than originally budgeted; Federal Government revenue source was favorable; actual over budget of approximately \$4.7 million – due to Impact Aid; Sales Tax revenue was favorable; actual over budget of approximately \$7.9 million; other revenue sources unfavorable; under budget of approximately \$504, 000; reviewed total revenues by major source; expenditure trend for FY20-21 was favorable in all categories; unspent and unencumbered balance was \$15.4 million; reviewed total expenditures by category; revenue surplus of approximately \$10.1 million and unspent/unencumbered balance of \$15.4 million – reversion back to the City of approximately \$25.7 million; July and August interim financial statements were included in the Board documents.

A brief discussion followed regarding other revenue sources – summer school tuition revenue; reversion funds; and ADM figures.

14. **Committee, Organization or Board Reports:** The following upcoming meetings were mentioned: Audit Committee (Thursday), Governance Committee (next Wednesday), and Planning, Performance and Monitoring Committee

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(October 5); Ms. Anderson and Ms. Riggs tasked to do research on legal services agreement and will report to the Governance Committee.

15. Conclusion of Formal Meeting: The formal meeting concluded at 12:04 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 was one (1) online speaker who discussed birthday cut off date (September 30) for enrollment and thanked School Board for combining agenda and non-agenda speakers.

17. Workshop: None.

18. Closed Meeting: Ms. Melnyk made a motion, seconded by Ms. Anderson, that the School Board recess into a closed meeting pursuant to the exemptions from open meetings allowed by Section 2.2-3711, Part A, Paragraph 1 and 2 of the Code of Virginia, 1950, as amended, for

- 1. 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 discuss performance of certain administrators and/or staff members.
- 2. STUDENT RECORDS:** Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. Namely to discuss recent student related incidents.

The motion passed unanimously with all School Board members voting. Note, Ms. Holtz was attending the meeting via Zoom and was not present in the closed session.

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

- 2. STUDENT RECORDS:** School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems; Jack Freeman, Chief Operations Officer; Thomas A. DeMartini, Director, Office of Safe Schools; Superintendent Spence; Donald E. Robertson, Ph.D., Chief of Staff; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; Regina M. Toneatto, Clerk of the Board.
- 1. PERSONNEL MATTERS:** School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems; Superintendent Spence; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 12:51 a.m.

Certification of Closed Session: 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.

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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. Franklin. The motion passed with the ten (10) School Board members voting in favor of the motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. Note, Ms. Holtz was attending the meeting via Zoom and was not present during the closed session.

- 19. *Vote on Remaining Action Items:*** None.
- 20. *Adjournment:*** Chairwoman Rye adjourned the meeting at 12:52 a.m., Wednesday, September 29, 2021.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Carolyn T. Rye, School Board Chair