



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, October 26, 2021

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

I. Administrative, Informal, and Workshop: Chairwoman Rye convened the administrative, informal, and workshop session in the School Board chamber at 4:00 p.m. on the 26th day of October 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 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 Meeting to begin at 6:00 p.m. At 5:30 p.m., the School Board will conclude its administrative, informal, and workshop session unless the School Board votes to continue until 5:45 p.m. The session will conclude no later than 5:45 p.m. to allow the School Board and the School Administration to prepare for the Formal Meeting at 6:00 p.m.

The following School Board members were present in the School Board chamber: Chairwoman Rye, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems. Chairwoman Rye noted Ms. Manning was absent due to a family matter and Ms. Melnyk was not present due to a health matter but would be arriving for the formal meeting.

- A. **School Board Administrative Matters and Reports:** Chairwoman Rye mentioned the Pearls of Wisdom event was a successful event, sold out event with 150 tickets, next event will be April 2, 2022; Teacher of the Year Celebration is scheduled for November 2 at the VB Hilton with a revised format; noted the Student Discipline Committee II will be on the first and second Thursdays of the month at 3:00 p.m.; Audit Committee meeting time has changed from 1:00 p.m. to 2:00 p.m.
- B. **Budget FY 20/21 Resolution Regarding Reversion and Revenue Actual Over/Under Budget Funds:** Crystal M. Pate, Chief Financial Officer provided a presentation and draft budget FY2020/21 resolution regarding reversion revenue actual over/under budget funds to the School Board for review; background summary – the net estimated funding available for re-appropriation is \$54,833,983; breakdown of reversion and RSF (revenue sharing formula) funds:

School Operating Fund Reversion	\$14,463,778
Total Revenues Over Budget	\$10,131,688
Athletics Fund Reversion	\$ 401,878
Green Run Collegiate Fund Reversion	\$ 711,334
TOTAL FY 2020/21 Reversion Funds	\$25,708,678

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Revenue Sharing Formula Reconciliation (increased from \$29,175,305 originally presented to PPMC on 10/08/2021)	\$29,230,144
Net FY 2020/21 Revenues Available for Re-appropriation	\$54,938,822

Ms. Pate reviewed some spending recommendations: CIP (Capital Improvement Program) \$1.1 million Lynnhaven Middle School Expansion (Achievable Dream), \$2.9 million renovations and replacements – HVAC III, \$7.7 million school bus and white fleet replacement, \$4.3 million replacement payroll system; the following **draft** budget resolution was shared (note: budget resolution based on information presented to the PPMC on 10/08/2021):

Budget Resolution Regarding FY 2020/21 Reversion and Revenue Sharing Formula Reconciliation (DRAFT)

WHEREAS, on September 28, 2021, the School Board was presented with a summary of the unaudited financial statements for FY 2020/21 (year-ending June 30, 2021) showing the reversion amount to the city's General fund; and

WHEREAS, the amount of FY 2020/21 School Operating reversion funds available (excluding revenues over/under budget) is \$14,463,778; and

WHEREAS, \$10,131,688 came in as additional revenue over the appropriated budget, increasing the School Operating reversion amount to \$24,595,466; and

WHEREAS, \$401,878 reverted from the Athletics fund and \$711,334 reverted from the Green Run Collegiate Charter School fund; and

WHEREAS, the estimated total amount available for re-appropriation is \$25,708,678; and

WHEREAS, the city is currently indicating a FY 2020/21 revenue actual over budget of \$29,175,305 based on the Revenue Sharing Formula; and

WHEREAS, the net reversion funding available for re-appropriation is \$54,883,983; and

WHEREAS, the Administration recommends the following for the available funds in the amount of \$54,883,983:

- \$11,000,000 to be re-appropriated to the School Reserve Special Revenue fund to be set-aside for use in the FY 2022/23 Capital Improvement Program
- \$26,664,343 to be re-appropriated to the CIP fund:
 - Project 1-017 Renovation and Replacement Grounds III (synthetic turf at Kempsville HS and Ocean Lakes HS) - \$3,500,000
 - Project 1-018 Renovation and Replacement HVAC III - \$3,336,775
 - Project 1-020 Renovation and Replacement Various III (locker removal/renovation at First Colonial HS and classroom/furniture replacement at various schools) - \$6,250,000
 - Project 1-022 Elementary School Playground Equipment Replacement - \$1,000,000
 - Project 1-026 Lynnhaven MS Expansion (Achievable Dream) - \$750,000
 - Project 1-028 Bettie F. Williams/Bayside 6th (Grades 4-6) Replacement - \$7,500,000
 - Replacement Payroll System - \$4,327,568
- \$900,000 to be re-appropriated to the Athletics fund 204 (startup costs for lacrosse program)
- \$16,319,640 to be re-appropriated to the School Operating fund 115 for:
 - Replacement school buses - \$5,766,000
 - Replacement white fleet vehicles and supporting equipment - \$1,947,000
 - Access layer switches and points - \$1,221,000
 - Interactive whiteboard replacements - \$882,000

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- Electronic perimeter access control doors - \$645,000
- Data center firewall upgrade - \$566,125
- Instructional supplies - \$151,515
- Contracted services to pressure wash building exteriors and courtyards - \$130,000
- Maintenance and repair projects and equipment - \$5,011,000

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the FY 2020/21 Reversion and Revenue Sharing Formula Reconciliation funds as presented by the Administration; and be it

FURTHER RESOLVED: That the School Board requests that the City Council approve the re-appropriation of FY 2020/21 Reversion and Revenue Sharing Formula Reconciliation funds shown above; and be it

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

Ms. Pate requested from the School Board any additional recommendations for consideration be presented as soon as possible so the budget resolution could be finalized. The budget resolution will be brought back to the School Board as an action item on November 9, 2021. The presentation continued with questions regarding Achievable Dream project timeline and funding from HVAC; comparison of this year's reversion funds with the past two years; and how much CARE's funds have been used.

After the presentation, Chairwoman Rye mentioned an additional item from School Board Administrative Matters regarding social distancing and the School Board chamber; based on recent trends and the downward trend of COVID numbers, beginning with the next meeting in November, there will be 3 feet of social distancing, without a mask 6 feet of social distancing; would have to reexamine if numbers increase.

- C. Instructional Materials Review and Process: Kipp Rogers, Ph.D., Chief Academic Officer provided the School Board with an update on the policies and procedures associated with processes used to secure and review instructional materials in the school division. This information includes updates on what instructional materials are, considerations for selection, and the processes used for challenging instructional materials; overview of presentation; defined instructional materials and examples (textbooks, workbooks, videos, online digital resources, library books); instructional materials selection considerations: copyright date and cost, input from staff, student interest, variety of genres, ease of access and difficulty; textbook selection: textbooks selected by committee (parents, principals, students, teachers, library media specialists, counselors, and coordinators), VDOE approved resources reviewed (resources available for public review), online educational resources are considered, top two recommendations made to School Board; software resources: VBCPS request for proposals, schools make request for individual purchases, request approved by Department of Technology and Department of Teaching and Learning staff; library material selection: schools have flexibility to purchase library resources, input provided by teachers and students, library materials are ordered through two resources – Mackin and the Junior Library Guild.
- The presentation continued regarding the process for reviewing and challenging instructional materials; complaints from public – challenged controversial materials: Regulation 7-12.1 to guide process, materials may be challenged by adult student or parent/guardian, conference with principal to review the challenged materials, most concerns are resolved at the school level; citizens with students in VBCPS or appeal by student/parent – request for Reconsideration of Instructional Materials form must be completed; appealing decisions on complaints: division-level review – when form is received, School Board review – upon receipt of request; the presentation continued with questions regarding follow-up on challenged books and explanation; process to review library materials – annual or based on use; textbook adoption verses library materials; challenged materials – providing alternative materials; replacement cycle of textbooks; First Amendment

rights, academic freedom; student syllabus; current challenged books; regulation 7-12.1; members on the review committee.

- D. COVID Health and Safety Mitigations: Eugene F. Soltner, Ed.D., Chief Schools Officer and Jack Freeman, Chief Operations 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 began the presentation and reviewed connected cases, 47 people have developed COVID-19 as a result of an exposure that occurred in school; decrease trend in positive cases; reviewed quarantine data; level of community transmission (VDH) as of October 25 – transmission level substantial, cases – 89.56, percent positivity – 5.8%; vaccinations on a slow steady upward trend: fully vaccinated – 12-15 years 49.0%, 16-17 years 62.0%; at least one dose – 12-15 years 56.9%, 16-17 years 68.4%; 2nd dose vaccination clinics; removing mitigation layers – volunteers and visitors: allowed in buildings beginning November 1, all VBCPS mitigations shall be followed, appointments preferred but not required; field trips: day trips only, all VBCPS mitigations shall be followed; noted shortage of bus drivers – will accommodate what we can; need to monitor effects of removal of mitigation layers; Mr. Freeman introduced Dr. Soltner.

The presentation continued regarding winter high school athletics; VisSTA (Virginia School Screening Testing for Assurance) testing – program includes a MOU between VDH and VBCPS, no cost for participation, assigned vendor partner – Mako Medical Laboratories, communication plan includes program details shared with principals and School Board members on October 26, parents/students will receive program details on Wednesday, October 27, weekly testing to begin the week of November 15; reviewed program details such as includes any high school winter athlete or those participating in winter conditioning as part of a VHSL sport’s team that require a physical exam to play, documentation to school nurse on or before Wednesday, November 10, parental consent to test, testing includes a TaqPath COVID-19 PCR test, protect confidentiality, results with 24-48 hours, parents who opt-in to notification will be notified via email or test of all test results, school nurse will notify the student activities coordinator (SAC) and coach of any positive cases.

School support for unfilled absences: central support staff will substitute in schools November 1 – January 31 on high volume absence days of Mondays and Fridays, staff who hold teacher licensure must work 4-days each in classrooms, classified staff may volunteer up to 4-days (custodian, teacher assistant, office associate, general assistant and/or classroom teachers where 30 hours of college credit have been earned); shared some outcomes from October 20 teacher assembly meeting; challenges and impact on staff and operations; teacher assembly recommendations (suggestions) – workload impact: adjust the calendar, reduce non-essential tasks, reports, and requirements, protect unencumbered planning time, hire additional counselors, behavior intervention specialists, ESL teachers to support increased student need, pause new initiatives; staffing shortages – increased compensation; substitute shortage – provide additional pay/incentives, increase the number of permanent substitutes, reduce or eliminate college requirement to substitute, increase advertisements/ community outreach for substitutes; health mitigation – consistency of communication, expectations, and supplies; VBCPS action response – declare November 24 a holiday for all staff and students, see Board approval for a series of 2-hour student early release days, eliminate TalentEd mid and end-of-year goals for building level instructional staff, clarify with principals planning time at the school level, continue to examine additional solutions to address challenges (compensation, substitute shortages, unstaffed vacancies, review of new initiatives).

The presentation continued with questions regarding explanation of TalentEd; teacher workload and challenges; visitors in buildings; early release days Wednesday verses Friday; clarification of early release days; pacing of curriculum; instructional loss; positive cases and COVID; purpose of early release days; unencumbered planning time; November 24 date; alignment with other divisions; making a motion to add early release days to Action.

2. **Closed Session (as needed):** None during the administrative, informal, and workshop session.
3. **School Board Recess:** Chairwoman Rye adjourned the administrative, informal, and workshop session at 5:35 p.m.
4. **Formal Meeting (School Board Chambers)..... 6:00 p.m.**

5. **Call to Order and Roll Call:** Chairwoman Rye called the formal meeting to order at 6:01 p.m. on the 26th day of October 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 VBTV Channel 47, and on Zoom.
- The following members were present in the School Board chamber: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems. It was noted Ms. Manning was absent due to a family matter.
6. **Moment of Silence followed by the Pledge of Allegiance**
7. **Student, Employee and Public Awards and Recognition**
- A. Virginia Association of Health, Physical Education, Recreation and Dance – Elementary P.E. Teacher of the Year: The School Board recognized James Grassano, health and physical education teacher, Indian Lakes Elementary School who was named the Elementary Physical Education Teacher of the Year by the Virginia Association of Health, Physical Education, Recreation, and Dance (VAHPERD).
- B. Virginia Driver Education – Teacher of the Year: The School Board recognized Michael Pollock, health and physical education teacher, Ocean Lakes High School who was named the Driver Education Teacher of the Year by The Virginia Association of Driver Education and Traffic Safety.
8. **Adoption of the Agenda:** Chairwoman Rye proposed a modification to the agenda, the addition of Action Item 15E – Adjustment to the 2021-22 School Calendar. Without any other modifications, Chairwoman Rye called for a motion to approve. Ms. Holtz made a motion, seconded by Ms. Riggs. 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. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 10-0-0.
9. **Superintendent's Monthly Report:** Superintendent Spence shared the following information: 1) During the month of October the following were highlighted: National School Lunch Week, National Bus Safety Week, Principals Month, and America's Safe Schools Week; sincere thanks to all staff members within these celebrated groups; 2) reminder, Tuesday, November 2 is Election Day and Thursday, November 11 is Veterans Day – in observance of these days all schools and administrative offices will be closed for students and staff; 3) for the 13th consecutive year, the division reached record levels regarding On-Time Graduation Rate; 94.9% for the 2021 cohort year and lowest recorded dropout rate of 2.7%; and 4) recognition of two staff members from Bayside High School by the National Interscholastic Athletic Administrators Association (NIAAA) as Certified Master Athletic Administrators: Lisa Corprew, Student Activities Coordinator and Christopher D. Felton, Graduation Coach and Assistant Student Activities Coordinator at Bayside High School and Health Sciences Academy.
10. **Approval of Meeting Minutes**
- A. October 12, 2021 Regular School Board Meeting: Chairwoman Rye called for any modifications to the October 12, 2021 Regular School Board meeting minutes. Hearing none, Chairwoman Rye called for a motion to approve. Ms. Anderson made a motion, seconded by Ms. Hughes. 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. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 10-0-0.

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- 11. Public Comments (until 8:00 p.m.):** Chairwoman 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. Chairwoman Rye mentioned information regarding speaker process, decorum and order, and submitting comments via group email. There were thirty-eight (38) in-person speakers (including 20 student speakers) and five (5) online speakers: topics discussed were removing of books; banning books; student dress code; lacrosse; First Amendment and parental rights; teacher workload; staffing shortages; pacing of curriculum; Bylaws 1-32 and 1-48; transgender policy; Policy 5-29; Policy 7-16; COVID and athletics; equity in elementary PE classes; decrease in student enrollment; CRT, SEL, low test scores; mask exemption; expressive activities. At 8:00 p.m., the School Board consented to listen to the remaining speakers; public comments ended around 8:23 p.m.

12. Information

- A. Budget FY 20/21 Resolution Regarding Reversion and Revenue Actual Over/Under Budget Funds: Crystal M. Pate, Chief Financial Officer recapped the presentation from the administrative, informal, and workshop session; see agenda item #1B; Ms. Pate provided additional information regarding previous years reversion funds:

	FY19	FY20
School Operating Fund Reversion (without revenue variances)	\$17.9 million	\$30.8 million
Total Revenues Over Budget (approximately)	\$ 8.0 million	\$ 6.4 million
Athletics Fund Reversion (approximately)	\$438,000	\$ 1.4 million
Green Run Collegiate Fund Reversion (approximately)	\$443,000	\$ 436, 000
TOTAL Reversion Funds (approximately)	\$26.8 million	\$39 million
Revenue Sharing Formula Reconciliation (approximately)	(\$745,000)	(\$ 2.7 million)
Revenues Available for Re-appropriation (approximately)	\$26.1 million	\$36.3 million

Ms. Pate provided information regarding CARES Act funds: ESSER I – awarded at \$10.1 million, spent/encumbrances approximately \$6.3 million, remaining approximately \$3.8 million; ESSER II – awarded at \$36.7 million, spent/encumbrances approximately \$9.6 million, remaining approximately \$27.2 million; ESSER III – awarded at \$82.4 million, spent/encumbrances approximately \$4.9 million, remaining approximately \$77.4 million.

The presentation continued with discussion regarding the percentage of reversion funds for CIP (capital improvement program) – approximately 69%; white fleet and bus replacement; Superintendent Spence provided a brief overview of process; ESSER funds – one-time dollars, three-year grant, grant has specific set of purposes.

- B. Interim Financial Statements – September 2021: Daniel G. Hopkins, Director of Business Services presented the following information to the School Board; as of September 30th the overall revenue trend remained acceptable; the September 30th enrollment came in lower that the projected ADM, the reduction in enrollment would result in a projected shortfall of approximately \$4.5 million; federal revenues continued to show a favorable trend; sources of revenue are up from last year but lagging from two years ago due to summer school tuition and sale of capital assets; sales tax receipts are at an acceptable level, approximately \$1.4 million higher than same time last year; expenditures and encumbrances trend remain acceptable at this point in the fiscal year.
- C. Lacrosse – High School Activity Addition Process: David E. Rhodes, Coordinator, Office of Student Leadership provided the School Board with a recommendation from the Office of Student Leadership to offer lacrosse as an interscholastic sport for high school boys and girls at the varsity level starting in the Spring of 2023; provided background information regarding lacrosse; spring sport in Virginia; 263 boys and 269 girls played on VBCPS high school club teams in 2020; nine schools fielded club lacrosse teams for boys

and girls in 2020; reviewed other high schools in the state that participate in lacrosse; the VHSL expects 110 boys' teams and 108 girls' team will compete in 2022; teams may schedule a maximum of 14 contests during regular season – 10 would be against other Beach District teams; 3 VBCPS high schools compete in Region 6A and 8 VBCPS high schools in Region 5A; reviewed some fiscal impacts and estimated costs; estimated total overall initial costs \$871,214 and estimated total annual costs \$536,714; total estimated revenues approximately \$50,000 annually to offset some annual expenses.

The presentation continued with questions regarding teams at all high schools; JV team; helmets for girl players; number of players on a team; budgeting for sport; disparities and inequity; work with lacrosse experts regarding helmets for girls and budgeting.

- D. Policy Review Committee 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 October 14, 2021 meeting. School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney presented the following:
1. Policy 3-60 / Safety: Radon: The PRC recommends amendments to Policy 3-60 to reflect General Assembly changes regarding safety and testing of buildings and systems.
 2. Policy 3-72 / Safety: Water Management Program to Prevent Legionella Growth: The PRC recommends adoption of Policy 3-72 to address the General Assembly's requirement regarding testing and treatment for Legionella disease in buildings and systems.
 3. Policy 5-30 / Graduation Requirements/Diplomas/Certificates: The PRC recommends amendments to clarify Locally Awarded Credits.

13. Return to public comments if needed: Not needed, public comments concluded at approximately 8:23 p.m.

14. Consent Agenda: Chairwoman Rye stated the items on the Consent Agenda.

- A. Environmental Studies Program: Implementation Evaluation
- B. Energy Performance Contract
- C. SY 2020-2021 Annual Field Trip Report
- D. Kellam High School/West Neck Road Phase IV Agreement of Sale

Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Franklin. 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. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 10-0-0.

15. Action

- A. Personnel Report / Administrative Appointments: Chairwoman Rye called for a motion to approve. Ms. Anderson 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 October 26, 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. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 10-0-0.
Superintendent Spence introduced the following: Eric A. Landon, Assistant Principal, Saint Gregory the Great Catholic School, Virginia Beach, VA as Assistant Principal, Malibu Elementary School; Keith E. Goodman, Jr., Instructional Specialist, Department of Teaching and Learning as Coordinator, Secondary Science, Department of Teaching and Learning; and Bridget D. Mariano, Instructional Specialist STEM and Innovation, Department of Teaching and Learning as Coordinator, K-12 Programs and Grants, Department of Teaching and Learning.

- B. Establishment of Legal Services Department: Chairwoman Rye read the following: that the School Board create a Department of Legal Services to be effective July 1, 2022, to include the hiring of in-house legal counsel as officers and employees of the School Board and that the currently assigned in-house legal counsel constitute such hires, and authorize the Superintendent to develop job descriptions and contracts, budget for necessary expenses, hire outside counsel to assist with the process and, in consultation with the School Board Governance Committee, take other actions for the School Board to create a Department of Legal Services. Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Anderson.
Superintendent Spence provided a brief synopsis of the background of the cooperative agreement with the City, discussion of matter with Governance Committee, creation of department of legal services and staff, budget decisions, hire outside legal counsel to support in the development; without further discussion, Chairman 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. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 10-0-0.
- C. Virginia School Boards Association (VSBA) Tidewater Region Chair Nomination: That the School Board approve the nomination of their colleague, Sharon R. Felton, to the Virginia School Boards Association (VSBA) Tidewater Region Nominating Committee for consideration in the selection of a Chair for the VSBA Tidewater Region; Chairwoman Rye called for a motion to approve. Ms. Anderson made a motion, seconded by Ms. Holtz; there were discussions in support of Ms. Felton; 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. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 10-0-0. After the vote, Ms. Felton expressed she was honored to be voted for by colleagues and thanked the School Board members for their vote and support.
- D. Policy Review Committee Recommendations: That the School Board adopt the proposed amendments to Bylaws 1-32 and 1-48 and Policy 5-29 and 7-16; School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney presented the following listed below:
1. Bylaw 1-32 / Adoption, Amendment, Suspension or Repeal – Policies: The PRC recommends language that clarifies the notice and voting requirements to adopt, amend, repeal or suspend a policy. Chairwoman Rye called for a motion to approve. Ms. Felton made a motion, seconded by Ms. Melnyk. Ms. Anderson made a substitute motion to Bylaw 1-32, Section C.3 as follows:
The School Board may choose to adopt, amend, or repeal a policy at the same meeting when first presented, if there is an affirmative vote of seven of eleven School Board members present or an affirmative vote of a majority plus one.
Ms. Riggs seconded the motion. A discussion followed regarding term majority vote in other parts of the bylaw; use of 2/3 vote instead of seven; time for public to review; process and not making it easy to change process; reasons for use of seven out of eleven; other bylaws have seven out of eleven. Chairwoman Rye called for a vote. The School Board announced there were seven (7) ayes in favor of the substitute motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Owens, and Ms. Riggs. There were three (3) nays opposed to the substitute motion: Ms. Franklin, Ms. Hughes, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The substitute motion passed 7-3-0.
 2. Bylaw 1-48 / Decorum and Order – School Board Meetings: The PRC recommends amendments to clarify the expectations of conduct during meetings and the authority to determine decorum and order. Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Felton. A discussion followed regarding the bylaw; limiting the public; permits; decorum in building; subjective – excessive clapping and cheering; restrictions; trying to restrict the public; liability. 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 two (2) nays opposed to the motion: Ms. Hughes and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 8-2-0.

3. Policy 5-29 / Awards for Achievement/Class Rank/Honor Designations: The PRC recommends amendments regarding honor designations and to remove outdated language. Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Felton. A brief discussion followed regarding valedictorian and salutatorian; not being able to support the motion. 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 two (2) nays opposed to the motion: Ms. Hughes and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 8-2-0.
 4. Policy 7-16 / Expressive Activities: The PRC recommends amendments regarding honor designations and to remove outdated language. Chairwoman Rye called for a motion to approve. Ms. Riggs made a motion, seconded by Ms. Melnyk. A brief discussion followed regarding the policy; restrictive and prohibitive; not being able to support the motion. 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 two (2) nays opposed to the motion: Ms. Hughes and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The motion passed 8-2-0.
- E. Adjustment to the 2021-22 School Calendar: (Note: this was an addition/modification to the agenda; see agenda item #8 – Adoption of the Agenda) Chairwoman Rye read the following motion for approval: I make a motion that the School Board approve the Superintendent’s recommendation for seven, two-hour early release days for students on the following dates: November 17, 2021, December 1, 8, and 15, 2021, January 5, 12, and 26, 2022. This schedule will provide teachers with two-hours of unencumbered planning time to complete planning, assessing, and communicating with students, parents, or staff. Ms. Anderson seconded the motion. A discussion followed regarding logistics for parents; teacher shortage; central office staff supporting schools; Ms. Owens made a substitute motion to change the day from Wednesdays to Fridays (November 19, December 3, December 10, December 17, January 7, January 14, January 21, and January 28), seconded by Ms. Hughes. A discussion followed regarding the reasons for Wednesday early release; staff is tired by end of week (Friday); purpose for early release; daycare and Parks and Recreation sites; staffing at Parks and Recreation. Chairwoman Rye called for a vote on the substitute motion. The School Board Clerk announced there were two (2) ayes in favor of the substitute motion: Ms. Hughes and Ms. Owens. There were eight (8) nays opposed to the substitute motion: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting. The substitute motion did not pass 2-8-0. A discussion followed on the original motion; difficult; student will benefit; how will affect Governor’s School; other regions with early release; students in schools 5 days a week (State law); teachers are a critical component; consideration and concern for teachers. Chairwoman Rye called for a vote on the original motion. 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 was one (1) nay opposed to the motion: Ms. Hughes. Note: Ms. Manning was not in attendance at the meeting. The motion passed 9-1-0.

16. *Committee, Organization or Board Reports:* Ms. Melnyk mention the Audit Committee meeting is on Thursday, but the meeting time has been changed from 1:00 p.m. to 2:00 p.m.

17. *Return to Administrative, Informal, Workshop or Closed Session matters:* Closed Session. 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, Paragraphs 1, 2, 7 and 8, as amended,

A.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 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 to discuss: personnel matters related to the status of the Cooperative Agreement for Legal Services and the delivery of legal services for the School Board and the School Division and the retention of outside counsel to assist in the process

A.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. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board. Namely to discuss specific student matters.

A.7. CONSULTATION WITH LEGAL COUNSEL: 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: 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 pending or probable litigation matters.

The motion passed with ten (10) ayes: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting.

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

A.7. CONSULTATION WITH LEGAL COUNSEL: School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems; Superintendent Spence; School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney; Regina M. Toneatto, Clerk of the Board.

A.8. CONSULTATION WITH LEGAL COUNSEL: School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems; Superintendent Spence; School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney; Regina M. Toneatto, Clerk of the Board.

A.2. STUDENT RECORDS: School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems; Superintendent Spence; School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney; Regina M. Toneatto, Clerk of the Board.

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

Tuesday, October 26, 2021
School Board Regular Meeting
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A.1. PERSONNEL MATTERS: School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.

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.

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

Ms. Anderson made a motion, seconded by Ms. Riggs. The motion passed with ten (10) ayes: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems. Note: Ms. Manning was not in attendance at the meeting.

18. Adjournment: Chairwoman Rye adjourned the meeting at 11:46 p.m.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Carolyn T. Rye, School Board Chair