



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

Daniel D. Edwards
District 2 – Kempsville

Sharon R. Felton
District 6 – Beach

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 27, 2020

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

INFORMAL MEETING

- 1. Convene School Board Workshop:** Chairwoman Rye convened the School Board workshop at 3:30 p.m. on the 27th day of October 2020 and announced pursuant to the State of Emergency related to the COVID-19 pandemic, the Governor’s Executive Orders, the Virginia Freedom of Information Act as amended by the Virginia General Assembly and the School Board’s April 7, 2020 Emergency Resolution, the School Board and selected staff members will meet in person at the School Administration Building however, at this time it is impractical and unsafe to allow other persons to attend the School Board Meeting due to physical distancing and safety precautions related to the pandemic. Members of the public will 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 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 following School Board members were present in the School Board chambers: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Mr. Edwards, Ms. Felton, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs and Ms. Weems. Ms. Holtz entered the School Board Chamber then proceeded to attend the meeting via Zoom within the School Administration Building.

- A. School Board Administrative Matters and Reports:** Chairwoman Rye noted due to time constraints most questions and discussions will be part of the formal meeting. Ms. Felton shared on October 28, 2020, the VSBA will be having the Tidewater Regional Fall meeting, information was sent via email. Chairwoman Rye mentioned the upcoming VSBA Annual Convention and the Clerk of the Board has the sign-up sheet.
- B. Budget FY19/20 Resolution Regarding Reversion and Revenue Actual Over/Under Budget Funds:** Farrell Hanzaker, Chief Financial Officer presented the following information/resolution to the School Board:

RESOLUTION REGARDING FY 2019/2020 REVERSION AND REVENUE ACTUAL OVER BUDGETED FUNDS

WHEREAS, Due to the Novel Coronavirus Disease 2019 (COVID-19), Virginia Beach City Public Schools was anticipating a total shortfall in FY 2019/20 of \$25 million (\$23 million from the local Revenue Sharing Formula and \$2 million from the state); and

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WHEREAS, the Department of Budget and Finance responded by deactivating all procurement cards, canceling or delaying all non-essential projects and limiting purchasing to items/services essential to the emergency; and

WHEREAS, the actual shortfall based on the local Revenue Sharing Formula was \$2,724,349; and

WHEREAS, federal, state and other revenue sources totaled \$6,391,546 over budget; and

WHEREAS, on October 13, 2020, the School Board was presented with a summary of the unaudited financial statements for FY 2019/20 (year-ending June 30, 2020) showing the reversion amount to the city's General fund; and

WHEREAS, the amount of FY 2019/20 School Operating reversion funds available (excluding revenues over/under budget) is \$30,817,755; and

WHEREAS, \$6,391,546 came in as additional revenue over the appropriated budget, increasing the School Operating reversion amount to \$37,209,301; and

WHEREAS, \$1,355,022 reverted from the Athletics fund and \$463,303 reverted from the Green Run Collegiate Charter School fund; and

WHEREAS, the estimated total amount available for re-appropriation is \$39,027,626; and

WHEREAS, the city is currently indicating a FY 2019/20 revenue actual under budget of \$2,724,349 based on the Revenue Sharing Formula; and

WHEREAS, the net reversion funding available for re-appropriation is \$36,303,277; and

WHEREAS, the Administration recommends the following for the available funds in the amount of \$36,303,277:

- \$5,500,000 to be re-appropriated to the School Reserve Special Revenue fund to cover possible revenue shortfalls in the FY 2021/22 School Operating fund 115
- \$15,803,277 to be re-appropriated to the CIP fund:
 - Project 1-024, Lynnhaven MS Expansion (Achievable Dream) - \$8,750,000
 - Project 1-107, Princess Anne HS Replacement - \$ 7,053,277
- \$2,000,000 to be re-appropriated to the Risk Management fund 650
- \$13,000,000 to be re-appropriated to the School Operating fund 115 to:
 - Provide a one-time bonus of \$1,000 for all full-time equivalent (FTE) employees - \$11,000,000
 - Increase the stipend amount for teachers providing dual instruction for Option 1 (face-to-face) and Option 2 (virtual) students - \$2,000,000

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the FY 2019/20 Reversion and Revenue Actual Over Budget 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 2019/20 Reversion and Revenue Actual Over Budget 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.

Adopted by the School Board of the City of Virginia Beach this 27th day of October 2020.

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- C. Budget Resolution Regarding Federal Coronavirus Relief Funds (CRF) Awarded to Virginia School Divisions: Farrell Hanzaker, Chief Financial Officer presented the following information/resolution to the School Board:

Resolution Regarding Federal Coronavirus Relief Funds (CRF) Awarded to Virginia School Divisions

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020; and

WHEREAS, CRF awards were provided to states under the CARES Act and a portion is being made available directly to school divisions to help cover costs in preparing for, responding to and mitigating the impacts of the Novel Coronavirus Disease 2019 (COVID-19) pandemic; and

WHEREAS, CRF awards are intended for costs incurred related to COVID-19 in reopening and operating public schools during the first months of the 2020-2021 school year; and

WHEREAS, CRF awards provided to school divisions are allocated based on a projected September 30, 2020 fall membership count (66,725.90 for Virginia Beach City Public Schools) and a per-pupil amount of \$175.00; and

WHEREAS, CRF awards will not be adjusted later for actual September 30, 2020 fall membership; and

WHEREAS, Virginia Beach City Public Schools will receive a CRF allocation in the amount of \$11,677,033; and

WHEREAS, these funds were not appropriated to the School Board of the City of Virginia Beach in the Fiscal Year 2020-2021 Budget Ordinance adopted by the City Council May 12, 2020; and

WHEREAS, the funding will support COVID-19 preparedness and response measures for the 2020-2021 school year to include supplemental staffing costs, personal protective equipment (PPE), cleaning supplies and technology to support distance learning; and

WHEREAS, the School Board of the City of Virginia Beach requests an additional appropriation of \$11,677,033 into the Categorical Grants fund to be used for expenditures incurred due to the COVID-19 health emergency as permitted by the Virginia Department of Education; and

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the CRF allocation as presented by the Administration; and be it

FURTHER RESOLVED: That the School Board requests that the City Council approve the appropriation of funds for the CRF allocation in Fiscal Year 2020-2021; 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.

Adopted by the School Board of the City of Virginia Beach this 27th day of October 2020.

- D. Budget Resolution Regarding the Federal CARES Act Set-Aside Awards under the Elementary and Secondary Relief (ESSER) Fund and the Governor's Emergency Education Relief (GEER) Fund: Farrell Hanzaker, Chief Financial Officer presented the following information/resolution to the School Board:

Resolution Regarding the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Appropriation for State Set-Aside Awards Under the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor's Emergency Education Relief (GEER) Fund

WHEREAS, the Federal CARES Act was signed into law on March 27, 2020; and

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WHEREAS, the CARES Act includes a \$30.75 billion education stabilization fund with three components: an Elementary and Secondary School Emergency Relief (ESSER) Fund, a Governor’s Emergency Education Relief (GEER) Fund, and a Higher Education Emergency Relief (HEER) Fund; and

WHEREAS, CARES Act State Set-Aside ESSER and GEER funds are for emergency relief and intended to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation; and

WHEREAS, CARES Act State Set-Aside ESSER and GEER funds were awarded through formula-based and competitive grants to support various programs and activities; and

WHEREAS, Virginia Beach City Public Schools has been allocated ESSER funds in the amount of \$397,953.86 and GEER funds in the amount of \$1,236,708.00 for a total award of \$1,634,661.86; and

WHEREAS, these funds were not appropriated to the School Board of the City of Virginia Beach in the Fiscal Year 2020-2021 Budget Ordinance adopted by the City Council May 12, 2020; and

WHEREAS, examples of the proposed spending plan include offering additional tutoring for students with disabilities; implementing a universal social-emotional screener; supporting remote learning through education technology; purchasing cleaning and disinfecting supplies and equipment; and buying additional personal protective equipment (PPE) for students, staff and visitors as appropriate for their risk exposure; and

WHEREAS, the School Board of the City of Virginia Beach requests an additional appropriation of \$1,634,661.86 into the Categorical Grants fund to be used for expenditures incurred due to the COVID-19 health emergency as permitted by the Virginia Department of Education; and

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the CARES Act State Set-Aside ESSER and GEER funds as presented by the Administration; and be it

FURTHER RESOLVED: That the School Board requests that the City Council approve the appropriation of CARES Act State Set-Aside ESSER and GEER funds in Fiscal Year 2020-2021; 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.

Adopted by the School Board of the City of Virginia Beach this 27th day of October 2020.

- E. Updates on the Reopening of Schools: The presenters were Marc A. Bergin, Ed.D., Chief of Staff, and Donald E. Robertson, Ph.D., Chief Schools Officers. Also presenting were Dr. Demetria M. Lindsay, Health Director, Virginia Beach Department of Public Health; Dr. Douglas K. Mitchell, Medical Director, Children’s Medical Group, EVMS Professor of Pediatrics, Member, CHKD COVID HICS; Dr. Leah Rowland; and via Zoom, Dr. Michael Martin, President, Virginia Chapter of the American Academy of Pediatrics.

Dr. Bergin discussed the comparison of CDC/VDH Metrics with VBCPS; reviewed the data of percent positivity and total cases; and then introduced Dr. Robertson.

Dr. Robertson continued the presentation and began with the topic overview: status of reopening plan, stakeholder data collection, challenges, scenarios, and administration’s recommendation. Highlights of the reopening plan included: marking period 1 grades, health and safety protocols, and attendance; challenges of reopening plan: COVID cases, scheduling and meeting student and staff needs; addressing anxieties, and logistics; gathered data regarding each scenario from various groups (secondary instructional leadership teams and administrators, teacher assembly, teacher forum, and VBEA; reviewed the largest challenges:

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meals, transportation, and staffing; review the various scenarios for returning students; administration's recommendation: bring back remaining Option 1 students on November 12 using a Hybrid model; Middle School: grade 7 students on Tuesday and Wednesday each week with remote learning on Monday, Thursday, and Friday; grade 8 students on Thursday and Friday each week with remote learning on Monday, Tuesday, and Wednesday; High School: students in grades 9-12 with last names A-K on Tuesday and Wednesday each week with remote learning on Monday, Thursday, and Friday; students in grades 9-12 with last name L-Z on Thursday and Friday each week with remote learning on Monday, Tuesday, and Wednesday; in all scenarios Monday will remain asynchronous learning with the remaining two virtual days as synchronous (live) in each class period; reviewed supports for expansion such as schedule flexibility, transportation adjustments, focused professional learning on teaching in this setting, more staff receiving stipend for teaching both face-to-face and virtual; continued assessment of available resources and health metrics.

The presentation continued with Dr. Lindsay reviewing various data charts and statistics, health impacts, VBCPS reopening criteria, CDC indicators, highlights from CDC Guidance: masks, social/physical distancing, cleaning/disinfection, hand hygiene/respiratory etiquette, contact tracing; VBCPS cases being monitored; Dr. Mitchell discussed impacts of COVID on mental and emotional health, current successes, CDC definition change, local pediatric health care support to schools; Dr. Rowland introduced Dr. Michael Martin; Dr. Martin discussed school reopening task force, right mitigation strategies been successful, increase in anxiety and depression, making a safe and education decision in opening schools.

The discussion continued regarding differences in COVID tests; returning students to school – need to watch numbers and metrics; staff on FMLA; masks breaks in schools; positive test in a classroom and quarantine; use of Plexiglass and masks; mitigation strategies. Chairwomen Rye noted the reopening discussion will continue in the formal meeting.

The workshop ended at 5:42 p.m.

2. Closed Meeting: (as needed) – NONE

FORMAL MEETING

- 3. Call to Order and Verbal Roll Call:** Chairwoman Rye called the formal meeting to order at 6:01 p.m. on the 27th day of October 2020 and announced pursuant to the State of Emergency related to the COVID-19 pandemic, the Governor's Executive Orders, the Virginia Freedom of Information Act as amended by the Virginia General Assembly and the School Board's April 7, 2020 Emergency Resolution, the School Board and selected staff members will meet in person at the School Administration Building, however, at this time it is impractical and unsafe to allow other persons to attend the School Board Meeting due to physical distancing and safety precautions related to the pandemic. Members of the public will 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 chambers: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Mr. Edwards, Ms. Felton, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. Ms. Holtz was attending the meeting via Zoom within the School Administration Building.

4. Moment of Silence followed by the Pledge of Allegiance

5. Student, Employee and Public Awards and Recognitions – NONE

- 6. Adoption of the Agenda:** Without modifications, Chairwoman Rye called for a motion. Mr. Edwards made a motion, seconded by Ms. Manning. Without any discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

- 7. Superintendent's Report:** Superintendent Spence shared the following information: 1) Reminder of upcoming holidays: November 3 – Schools and Administration Buildings closed for Election Day; November 10 – adjusted dismissal for students; November 11 – Schools and Administration Buildings closed for Veteran's Day; November 25 – adjusted dismissal and November 26-27 – Schools and Administration Buildings closed; 2) Ms. Jennifer Haws, current principal at Corporate

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Landing Elementary School was selected as a recipient of Virginia's 2020 NAESP National Outstanding Assistant Principal of the year; 3) Virginia Beach City Public Schools won the AEP Award for excellence in procurement. Congratulations to Mr. Farrell Hanzaker, Mr. Kevin Beardsley and the entire financial team for this honor; and 4) JumpStart program to help students in need; 50 community volunteers prepared tote bags for 176 families; this is the tenth year for JumpStart which won the 2020 Magna Award from the National School Board Association earlier this year. Thank you to Ms. Gay Thomas, her team and all the volunteers.

- 8. *Approval of Meeting Minutes:*** October 13, 2020 Regular School Board Meeting. Without modifications, Chairwoman Rye called for a motion. Ms. Anderson 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, Mr. Edwards, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Owens, Ms. Riggs, and Ms. Weems.

There was one (1) abstention: Ms. Manning. Ms. Manning abstained from voting since she was not present at the October 13, 2020 meeting. The motion passed with ten (10) ayes.

- 9. *Hearing of Citizens and Delegations on Agenda Items:*** Chairwoman Rye announced the School Board will now hear comments on Agenda Items from citizens and delegations who signed up with our Clerk prior to this meeting. In person speakers will be called first followed by speakers participating through Zoom or by telephone. It is not necessary for speakers to ask if they can be heard. Speakers should begin speaking once their name is called.

As a reminder, each speaker has four minutes to present and will be given a thirty second warning before time expires. Once the speaker's time has expired, the speaker should stop making remarks and the next speaker will be cued to speak. Please keep in mind, the School Board invites the public to also submit comments through our group e-mail account which can be found on our website.

There were six (6) in-person speakers and eleven (11) on-line speakers discussing the reopening of school for remaining grades; bringing Seniors back into the building; difficulty with virtual learning; technology issues; face-to-face learning; safety concerns; teacher issues; budget funds; and after-school activities.

- 10. *Consent Agenda:*** Chairwoman Rye stated the following items for approval as part of the Consent Agenda:

- A. Annual Field Trip Report: The School Board accept the 2019-2020 Field Trip Report.
- B. Policy Review Committee Recommendations: The School Board review the Policy Review Committee (PRC) recommendations regarding review, amendment, and repeal of certain policies as reviewed by the committee at their September 17, 2020 meetings and presented for Consent.
1. Policy 2-57/ Staff Members as Consultants Outside the School Division: The PRC recommends that a scrivener's change be made to the Policy.
 2. Policy 3-74/ Alterations: Naming of Schools or parts thereof: The PRC recommends that additional language regarding the School Board's and the School Division's rights to change or reject the names for buildings and other portions of School Board property.
 3. Policy 3-82/ Transportation of Disabled Students: The PRC reviewed the Policy and does not recommend changes.
 4. Policy 4-4/ Equal Employment Opportunity, Non-Discrimination and Anti-Harassment and Compliance Officers: The PRC reviewed the Policy and recommends minor scrivener's changes.
 5. Policy 5-44/ Sexual Harassment, Sexual Violence and Inappropriate Sexual Conduct Prohibited: Students: The PRC recommends changes to the Policy to align it with the new federal Title IX regulations.
 6. Policy 5-66/ Student Directory Information: The PRC recommends amendments to the Policy regarding categories of education records that are designated as directory and amendments to align the Policy to be consistent with changes in state law regarding access to student directory information.
 7. Policy 7-44/ Awards to Students: The PRC recommends amendments to the Policy that increase the categories of recognized awards for students.
- C. Religious Exemption: The School Board approve Religious Exemption Case No. RE-20-15.

Without any modifications, Chairwoman Rye called for a motion. Ms. Anderson made a motion, seconded by Ms. Riggs. Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.

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11. Action

- A. Personnel Report / Administrative Appointment(s): Ms. Anderson made a motion, seconded by Ms. Riggs that the School Board approve the appointments and accept the resignations, retirements, and other employment actions as presented on the October 27, 2020 Personnel Report along with administrative appointments as recommended by the Superintendent.
Ms. Melnyk commented on the length of the report and the constant flow of hiring, resignations, and retirements. Without further discussion, Chairwoman Rye called for a vote. The School Board Clerk announced the motion passed unanimously.
Superintendent Spence introduced the following: Charity W. Zellmer, Financial Management Specialist, Office of Budget Development, Department of Budget and Finance as Coordinator, Budget Development, Office of Budget Development, Department of Budget and Finance.
- B. Resolution: Budget FY19/20 Regarding Reversion and Revenue Actual Over/Under Budget Funds: Ms. Melnyk read the following motion, which was seconded by Ms. Manning:

RESOLUTION REGARDING FY 2019/2020 REVERSION AND REVENUE ACTUAL OVER BUDGETED FUNDS

WHEREAS, Due to the Novel Coronavirus Disease 2019 (COVID-19), Virginia Beach City Public Schools was anticipating a total shortfall in FY 2019/20 of \$25 million (\$23 million from the local Revenue Sharing Formula and \$2 million from the state); and

WHEREAS, the Department of Budget and Finance responded by deactivating all procurement cards, canceling or delaying all non-essential projects and limiting purchasing to items/services essential to the emergency; and

WHEREAS, the actual shortfall based on the local Revenue Sharing Formula was \$2,724,349; and

WHEREAS, federal, state and other revenue sources totaled \$6,391,546 over budget; and

WHEREAS, on October 13, 2020, the School Board was presented with a summary of the unaudited financial statements for FY 2019/20 (year-ending June 30, 2020) showing the reversion amount to the city's General fund; and

WHEREAS, the amount of FY 2019/20 School Operating reversion funds available (excluding revenues over/under budget) is \$30,817,755; and

WHEREAS, \$6,391,546 came in as additional revenue over the appropriated budget, increasing the School Operating reversion amount to \$37,209,301; and

WHEREAS, \$1,355,022 reverted from the Athletics fund and \$463,303 reverted from the Green Run Collegiate Charter School fund; and

WHEREAS, the estimated total amount available for re-appropriation is \$39,027,626; and

WHEREAS, the city is currently indicating a FY 2019/20 revenue actual under budget of \$2,724,349 based on the Revenue Sharing Formula; and

WHEREAS, the net reversion funding available for re-appropriation is \$36,303,277; and

WHEREAS, the Administration recommends the following for the available funds in the amount of \$36,303,277:

- \$5,500,000 to be re-appropriated to the School Reserve Special Revenue fund to cover possible revenue shortfalls in the FY 2021/22 School Operating fund 115
- \$15,803,277 to be re-appropriated to the CIP fund:
 - Project 1-024, Lynnhaven MS Expansion (Achievable Dream) - \$8,750,000
 - Project 1-107, Princess Anne HS Replacement - \$ 7,053,277
- \$2,000,000 to be re-appropriated to the Risk Management fund 650
- \$13,000,000 to be re-appropriated to the School Operating fund 115 to:

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- Provide a one-time bonus of \$1,000 for all full-time equivalent (FTE) employees - \$11,000,000
- Increase the stipend amount for teachers providing dual instruction for Option 1 (face-to-face) and Option 2 (virtual) students - \$2,000,000

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the FY 2019/20 Reversion and Revenue Actual Over Budget 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 2019/20 Reversion and Revenue Actual Over Budget 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.

Adopted by the School Board of the City of Virginia Beach this 27th day of October 2020.

A discussion followed regarding the short turnaround time to spend the funds; meeting with City Council; increase in teacher stipend; bonuses; ADM figures; clarification on risk management; kudos to budget staff; thank you for the PPMC; Chairwoman Rye called for a vote; the School Board Clerk announced the motion passed unanimously.

- C. Resolution: Federal Coronavirus Relief Funds (CRF) Awarded to Virginia School Divisions: Ms. Melnyk read the following motion, which was seconded by Ms. Weems:

Resolution Regarding Federal Coronavirus Relief Funds (CRF) Awarded to Virginia School Divisions

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020; and

WHEREAS, CRF awards were provided to states under the CARES Act and a portion is being made available directly to school divisions to help cover costs in preparing for, responding to and mitigating the impacts of the Novel Coronavirus Disease 2019 (COVID-19) pandemic; and

WHEREAS, CRF awards are intended for costs incurred related to COVID-19 in reopening and operating public schools during the first months of the 2020-2021 school year; and

WHEREAS, CRF awards provided to school divisions are allocated based on a projected September 30, 2020 fall membership count (66,725.90 for Virginia Beach City Public Schools) and a per-pupil amount of \$175.00; and

WHEREAS, CRF awards will not be adjusted later for actual September 30, 2020 fall membership; and

WHEREAS, Virginia Beach City Public Schools will receive a CRF allocation in the amount of \$11,677,033; and

WHEREAS, these funds were not appropriated to the School Board of the City of Virginia Beach in the Fiscal Year 2020-2021 Budget Ordinance adopted by the City Council May 12, 2020; and

WHEREAS, the funding will support COVID-19 preparedness and response measures for the 2020-2021 school year to include supplemental staffing costs, personal protective equipment (PPE), cleaning supplies and technology to support distance learning; and

WHEREAS, the School Board of the City of Virginia Beach requests an additional appropriation of \$11,677,033 into the Categorical Grants fund to be used for expenditures incurred due to the COVID-19 health emergency as permitted by the Virginia Department of Education; and

NOW, THEREFORE, BE IT

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RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the CRF allocation as presented by the Administration; and be it

FURTHER RESOLVED: That the School Board requests that the City Council approve the appropriation of funds for the CRF allocation in Fiscal Year 2020-2021; 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.

Adopted by the School Board of the City of Virginia Beach this 27th day of October 2020.

A discussion followed regarding the difference between the Federal Coronavirus Relief Funds (CRF) and the Federal CARES Act Set-Aside Awards under the Elementary and Secondary Relief (ESSER) fund and the Governor's Emergency Education Relief (GEER) fund; technology component; PPE supplies; Chairwoman Rye called for a vote; the School Board Clerk announced the motion passed unanimously.

- D. Resolution: Federal CARES Act Set-Aside Awards under the Elementary and Secondary Relief (ESSER) Fund and the Governor's Emergency Education Relief (GEER) Fund: Ms. Melnyk read the following motion, which was seconded by Ms. Riggs:

Resolution Regarding the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Appropriation for State Set-Aside Awards Under the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor's Emergency Education Relief (GEER) Fund

WHEREAS, the Federal CARES Act was signed into law on March 27, 2020; and

WHEREAS, the CARES Act includes a \$30.75 billion education stabilization fund with three components: an Elementary and Secondary School Emergency Relief (ESSER) Fund, a Governor's Emergency Education Relief (GEER) Fund, and a Higher Education Emergency Relief (HEER) Fund; and

WHEREAS, CARES Act State Set-Aside ESSER and GEER funds are for emergency relief and intended to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation; and

WHEREAS, CARES Act State Set-Aside ESSER and GEER funds were awarded through formula-based and competitive grants to support various programs and activities; and

WHEREAS, Virginia Beach City Public Schools has been allocated ESSER funds in the amount of \$397,953.86 and GEER funds in the amount of \$1,236,708.00 for a total award of \$1,634,661.86; and

WHEREAS, these funds were not appropriated to the School Board of the City of Virginia Beach in the Fiscal Year 2020-2021 Budget Ordinance adopted by the City Council May 12, 2020; and

WHEREAS, examples of the proposed spending plan include offering additional tutoring for students with disabilities; implementing a universal social-emotional screener; supporting remote learning through education technology; purchasing cleaning and disinfecting supplies and equipment; and buying additional personal protective equipment (PPE) for students, staff and visitors as appropriate for their risk exposure; and

WHEREAS, the School Board of the City of Virginia Beach requests an additional appropriation of \$1,634,661.86 into the Categorical Grants fund to be used for expenditures incurred due to the COVID-19 health emergency as permitted by the Virginia Department of Education; and

NOW, THEREFORE, BE IT

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RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the CARES Act State Set-Aside ESSER and GEER funds as presented by the Administration; and be it

FURTHER RESOLVED: That the School Board requests that the City Council approve the appropriation of CARES Act State Set-Aside ESSER and GEER funds in Fiscal Year 2020-2021; 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.

Adopted by the School Board of the City of Virginia Beach this 27th day of October 2020.

A discussion followed regarding SEL; universal emotional screener; what data comes from screener; skill-based information example; Chairwoman Rye called for a vote; the School Board Clerk announced the motion passed unanimously.

- E. Reopening Plan – Next Phase: Ms. Anderson made a motion, seconded by Mr. Edwards to approve the Administration’s recommendation for reopening as presented. A discussion followed with Dr. Robertson providing a recap of the workshop topic; attendance; screen expectations; social emotional learning; visiting John B. Dey and Thoroughgood; technology purchases; health metrics and returning students to school; recommendation of two-day verses one week; sports; vacancies; classroom spacing; transportation; reporting of COVID cases; issues with concurrent teaching (face-to-face and virtual); stipend for teachers.

Ms. Manning made a substitute motion to approve the administration’s recommendation with the addition of directing Dr. Spence to work towards getting all Option 1 students back four (4) days a week.

The discussion continued regarding CDC guidelines; the need to adhere to social distancing; returning all students within the safety mitigations; Ms. Manning reread the motion, seconded by Ms. Hughes; Chairwoman Rye called for a vote; the School Board Clerk announced the following 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, Mr. Edwards, Ms. Felton, Ms. Holtz, Ms. Owens, and Ms. Riggs. The substitute motion did not pass.

Chairwoman Rye called for the vote on the original motion; the School Board Clerk announced the motion passed unanimously.

12. Information

- A. Interim Financial Statements: September 2020: Crystal M. Pate, Director of Business Services provided the School Board with information as of September 30, 2020 regarding school operating fund revenue percentage of actual to budget; state sales tax revenue; and school operating fund expenditures/encumbrances percentage of actual to budget.
- B. English as a Second Language Program (K-12): Year-Two Implementation Evaluation: Dr. Bock presented to the School Board a background of program; evaluation process and method; student identification, assessment, and placement; instructional models and methods; staffing; students served by program; data collection on program goals: professional learning and teacher collaboration, student-centered program, social and emotional development, English proficiency, and parent communication; reviewed recommendations; reviewed information from last school year (2019-2020).

The discussion continued regarding positive feedback from teacher; concerns with workload; struggles teaching in-person and virtual; high parent satisfaction; teaching experience of new hires; tutoring program – advisory committee can take into consideration.

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- C. Water Testing Update: Mr. Jack Freeman presented to the School Board progress since last update; new legislation effective July 2020; signage; communication – notifications by AlertNow, results posted to VBSchools.com; planning to test 20% of pre-2014 buildings each year; list of water testing locations (schools); VBCPS is currently in full compliance; retesting 48 gooseneck faucets at 17 schools; pamphlet; and resource page.

13. Standing Committee Reports: Ms. Riggs mentioned the Sister City up for a new slate of officers and will continue to be the treasurer; continue with the same Youth Ambassador and will be presented to City Council on November 10; Ms. Melnyk mentioned the Legislative Committee and Mr. Joe Andrus will present an update to the School Board at the next meeting.

14. Conclusion of Formal Meeting: The formal meeting concluded at 10:34 p.m.

15. Hearing of Citizens and Delegations on Non-Agenda Items: There were no speakers for non-agenda items.

16. Workshop (as needed)

17. Closed Meeting: Ms. Melnyk made a motion, seconded by Ms. Riggs 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 of the Code of Virginia, 1950, as amended for the following reasons:

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 pursuant to Section 2.2-3711(A)(1), namely to discuss:

- A. request for payment of legal fees for an employee
- B. Employee grievance appeal Case No. 526-10-19-20

2. Legal Matters: 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 Board or consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Section 2.2-3711 (A) (7); namely to discuss:

- A. legal requirements for payment of employee legal fees
- B. employee grievance appeal Case No. 526-10-19-20

The motion passed with 11 votes.

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

1. Legal requirements for payment of employee legal fees: School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Mr. Edwards, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs and Ms. Weems; Superintendent Spence; Dr. Marc A. Bergin, Chief of Staff; School Board Legal Counsel Kamala H. Lannetti, Deputy City Attorney; John A. Mirra, Chief Human Resources Officer; Regina M. Toneatto, Clerk of the School Board.
2. Employee grievance appeal Case No. 526-10-19-20: School Board members: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Mr. Edwards, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Weems; Regina M. Toneatto, Clerk of the School Board.

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Note: Ms. Riggs had to recuse herself due to knowledge of case. Superintendent Spence, Dr. Marc A. Bergin, Chief of Staff, John A. Mirra, Chief Human Resources Officer, and School Board Legal Counsel Kamala H. Lannetti, Deputy City Attorney left the chambers for the employee grievance appeal.

The School Board reconvened at 11:45 p.m.

Certification of Closed Meeting: Ms. Melnyk made a motion and read the Certificate of Closed, seconded by Mr. Edwards that the School Board 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 session to which this certification applies, and (ii) only such public business matters as were identified in the Motion convening the closed session were heard, discussed, or considered. Without discussion, the motion passed with ten (10) votes: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Mr. Edwards, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Weems. Ms. Riggs was an abstention vote due to the fact she was not present.

18. Vote on Remaining Action Items: Ms. Melnyk read the following Resolution:

**RESOLUTION REGARDING GRIEVANCE CASE NO. 526-10-19-20
SABRINA LUCKY**

RESOLVED: That on October 27, 2020, the School Board considered the Findings of Fact and Recommendation of the Hearing Officer, the transcripts of the October 7, 2020 hearing and the exhibits, post hearing briefs and, based upon such consideration, it is;

RESOLVED: That the School Board adopts the Findings of Facts and Recommendation of the Hearing Officer that the Grievant be dismissed from employment; and

FURTHER RESOLVED: That the Clerk is directed to send a copy of this Resolution to the Grievant, the Grievant's attorney, the City Attorney, the Employee Relations Specialist, the Principal of Brandon Middle School, and the Chief Human Resources Officer, who is directed to place a copy of this Resolution, the Hearing Officer's Findings of Fact and Recommendation and exhibits in the Grievant's personnel file.

Adopted by the School Board of the City of Virginia Beach this 27th day of October 2020.

Without further discussion, Chairwoman Rye called for a vote; the School Board Clerk announced the vote was ten (10) ayes in favor of the resolution: Chairwoman Rye, Ms. Melnyk, Ms. Anderson, Mr. Edwards, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, and Ms. Weems. Ms. Riggs was an abstention vote due to the fact she had knowledge of the case.

Mr. Edwards made a motion, seconded by Ms. Melnyk to rescind the vote on October 13, 2020 in reference to paying the legal fees of James Daniel Miller and vote to pay the legal fees and to authorize reimbursement in the amount of \$1,000.00.

Without further discussion, Chairwoman Rye called for a vote; the School Board Clerk announced the vote was five (5) ayes in favor of the motion: Chairwoman Rye, Ms. Melnyk, Mr. Edwards, Ms. Felton, and Ms. Owens. There were six (6) nays opposed to the motion: Ms. Anderson, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Weems and via telephone, Ms. Riggs. The motion did not pass.

19. Adjournment: Chairwoman Rye adjourned the meeting at 11:54 p.m.