



VIRGINIA BEACH CITY PUBLIC SCHOOLS CHARTING THE COURSE

School Board Services

Beverly M. Anderson, Chair
At-Large

Kimberly A. Melnyk, Vice Chair
District 7 – Princess Anne

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 T. Rye District 5 - Lynnhaven	Carolyn D. Weems District 4 - Bayside

Aaron C. Spence, Ed.D., Superintendent

School Board Regular Meeting MINUTES

Tuesday, October 22, 2019

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

INFORMAL MEETING

- 1. Convene School Board Workshop:** The School Board convened in the einstein.lab in workshop format at 4:00 p.m. In addition to Superintendent Spence, all School Board members were present. Ms. Rye arrived at 4:05 p.m.
 - A. School Board Administrative Matters and Reports:** While circulating an RSVP request for the Virginia School Boards Association (VSBA) Annual Conference in November, Chairwoman Anderson advised a request to add a workshop after the formal meeting would be proposed during Adoption of the Agenda for the School Board to further discuss responses to a Freedom of Information Act (FOIA) dispute with School Board Legal Counsel. In addition to a School Board member advising of a constituent’s interest in presenting ideas to the School Board to inhibit student vaping, School Board members reported on events and activities they had attended. This portion of the workshop concluded at 4:13 p.m.
 - B. Budget FY18/19 Resolution Regarding Reversion and Revenue Actual Over/Under Budget Funds:** Farrell E. Hanzaker, Chief Financial Officer, explained components that make up the FY2018/19 reversion and revenue actual over/under budgeted funds available for re-appropriation in the amount of \$26,079,152. Also presented was an overview of the proposed resolution requesting re-appropriation of funds to the Capital Improvement Program (CIP) as well as to the School Operating Fund with an outline of what the funds will be used for. This portion of the workshop concluded at 4:35 p.m.
 - C. City and Schools Revenue Sharing Formula:** Farrell E. Hanzaker, Chief Financial Officer, provided an overview of the current city and schools funding formula and proposed new funding formula. Next steps toward implementation called for a public hearing which the School Board agreed to hold on November 12. This portion of the workshop concluded at 5:00 p.m.



-
- D. **School Calendar: Review Survey Results on Pre-Labor Day Start:** Donald E. Robertson, Jr., Ph.D., Chief Schools Officer, presented a review of the school calendar planning process and key planning pieces used in creating a school calendar to include a 181-day school calendar commitment, 10 staff and professional leave days embedded before and during the school year, holidays and breaks; and, new to the process, the consideration of a pre-Labor Day start. Natalie N. Allen, Chief Communications and Community Engagement Officer, shared results from community feedback on a pre-Labor Day start survey from nearly 18,500 respondents with majority (64.3 percent) opposing a pre-Labor Day start. Results by stakeholder group were reviewed, and representatives from the hospitality association invited at the School Board's request explained their position of opposition and answered School Board members' questions. Given the overwhelming response to the survey with majority of the community leaning toward keeping the school calendar with a post-Labor Day start, Administration recommended the post-Labor Day start be maintained in the development of the next biennial school calendars for the 2020-21 and 2021-22 school years. It was suggested the School Board consider taking action later in the meeting so that the calendar workgroup can prepare preliminary calendar options accordingly for presentation at the School Board's November 26 regular meeting. This portion of the workshop concluded at 5:33 p.m.

2. ***Closed Meeting:*** None

3. ***School Board Recess:*** The School Board recessed at 5:33 p.m. to reconvene in School Board Chambers for the formal meeting at 6:00 p.m.

FORMAL MEETING

4. ***Call to Order and Roll Call:*** Chairwoman Anderson called the formal meeting to order in School Board Chambers at 6:00 p.m. In addition to Superintendent Spence, all School Board members were present.

5. ***Moment of Silence followed by the Pledge of Allegiance***

6. ***Student, Employee and Public Awards and Recognition:*** None

7. ***Superintendent's Report:*** In his tradition of recognizing the newest member(s) of the *Compass Keepers Club*¹, Superintendent Spence's report featured Meghan Timlin, Coordinator of Kempsville High School's Entrepreneurship and Business Academy, who was recently recognized by *Inside Business* magazine as one of Hampton Roads' 2019 Top 40 under 40 honorees.

8. ***Hearing of Citizens and Delegations on Agenda Items:*** The School Board heard comments from thirteen speakers explaining their position as it relates to school start time options under consideration.

9. ***Approval of Minutes:*** October 8, 2019 School Board Regular Meeting: Prior to a motion, modifications were introduced by Ms. Weems and Ms. Manning, respectively, and debated by

¹ Members of the Compass Keepers Club are students, staff or community supporters who truly represent Virginia Beach City Public Schools with dedication, determination, passion and drive



the School Board regarding the summation of the School Board's workshop discussion on a pending Freedom of Information Act (FOIA) dispute. Following discussion, Ms. Manning made a motion, seconded by Ms. Hughes, that the School Board approve the minutes of their October 8, 2019 regular meeting with amendments as agreed to by the majority. The motion passed (ayes 6, nays 4 – Edwards, Felton, Holtz, Riggs; and 1 abstention – Ms. Rye who was absent from the October 8 meeting).

- 10. Adoption of the Agenda:** Prior to a motion, Chairwoman Anderson announced the addition of a workshop for the School Board to further discuss responses to a Freedom of Information Act (FOIA) dispute with School Board Legal Counsel under Item 17 Workshop as needed. Ms. Riggs made a motion, seconded by Vice Chair Melnyk, that the School Board adopt the meeting agenda as amended with the addition. The motion passed (ayes 10, nays 1 - Edwards).
- 11. Consent Agenda:** After Chairwoman Anderson's overview of items presented for approval as part of the Consent Agenda, Vice Chair Melnyk made a motion, seconded by Mr. Edwards, that the School Board approve the Consent Agenda. The motion passed unanimously, and the following items were approved as part of the Consent Agenda:
- A. Religious Exemption Case Numbers: RE-19-11, 12, and 13
 - B. 2018-19 Field Trip Report with transportation costs computed at \$1.75 per student and divided into five categories totaling 10,812 field trips taken (or 187,588 miles) at a cost of \$458,366 for salaries paid to drivers
 - C. Policy Review Committee Recommendations:
 - 1. Policy 3-5 Budget/Generally: Several short policies concerning the budget were combined into this policy merging language from Policy 3-7/Budget: Capital Expenditures and Policy 3-9/Budget Administration
 - 2. Policy 3-6 Budget: Preparation and Approval: Statutory language concerning required public hearings was added, the School Board approval process was clarified, and statutory language in the legal reference section was removed
 - 3. Policy 3-7/ Budget: Capital Expenditures: Policy recommended for repeal due to language being merged into Policy 3-5 Policy Budget: Generally, under Section D
 - 4. Policy 3-8/ Small, Women-Owned, Service-Disabled Veterans and Minority-Owned Business Participation in School Division Procurements: Policy reviewed for legal sufficiency with minor scrivener changes
 - 5. Policy 3-9/Budget Administration: Policy recommended for repeal due to language being merged into Policy 3-5 Policy Budget: Generally, under Section C
 - D. The School Board approved submitting the nomination of School Board member Sharon Felton to the Virginia School Boards Association (VSBA) Tidewater Region Nominating Committee for consideration in their selection of Vice Chair for the VSBA Tidewater Region
- 12. Action:**
- A. Personnel Report/Administrative Appointments: Ms. Hughes made a motion, seconded by Ms. Rye, that the School Board approve the appointments and accept the resignations,



retirements and other employment actions as listed on the Personnel Report dated October 22, 2019. The motion passed unanimously. There were no recommended administrative appointments.

- B. Policy Review Committee Recommended Bylaw 1-19 Duties of Chair/Vice Chair: Ms. Riggs made a motion, seconded by Ms. Felton, that the School Board approve the Policy Review Committee's (PRC) recommended revisions to Bylaw 1-19 to add language outlining the School Board Chair's responsibilities regarding the receipt and acknowledgement of communications from the general public. Prior to a vote, Ms. Manning explained her opposition to the language that allows for the School Board Chair to respond "on behalf of the School Board" noting she had requested the PRC reconsider the phrase. School Board members spoke to the proposal, and School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney, explained the PRC's reasoning in their support for the term that provides for simple acknowledgement of communications being received by the School Board by the School Board Chair, limiting the type of response while providing for individual School Board members to respond on their own behalf. Following discussion, the motion was approved (ayes 9, nays 2 – Hughes and Manning).

13. Information:

- A. Student Response Teams (SRT): Implementation Evaluation Report: Allison M. Bock, Ph.D., Program Evaluation Specialist, presented key findings from the implementation evaluation for the Student Response Teams (SRT) process identified as a strategic action item for schools during the 2016-17 school year for fostering high academic achievement under the school division's strategic framework, *Compass to 2020*. An overview of the evaluation process and method of reviewing operational components, referred student characteristics, progress toward meeting goals, stakeholder perceptions, and cost was provided along with the following recommendations with Administration's response presented by Alveta J. Green, Ed.D., Executive Director of Student Support Services, concurring with the recommendations from the evaluation:
- Recommendation #1: Continue SRT with modifications noted in Recommendations 2 through 4
Administration's Response: Continue to refine the SRT process
 - Recommendation #2: Review the current data log system and investigate the feasibility of alternative methods for collecting SRT data divisionwide to allow for more efficient and effective means of monitoring students' progress and determining the effectiveness
Administration's Response: Collaborate with the Department of Technology to include entering data into Synergy
 - Recommendation #3: Improve the consistency of SRT processes and practices at the high school level, including involvement of teachers, the process of referring students, and data monitoring
Administration's Response: Continue to collaborate with the Department of School Leadership to ensure consistency with SRT referrals, interventions, and data monitoring



- Recommendation #4: Ensure professional learning opportunities related to interventions and data monitoring as part of the SRT process are provided and are effective, especially for high schools and non-instructional/professional staff who are involved with SRT
Administration’s Response: Collaborate with the Department of School Leadership to develop a professional learning plan for high schools

- B. State and Federal Accountability: Status of Our Schools for 2019-20: Tracy A. LaGatta, Director of Student Assessment in the Department of Planning, Innovation, and Accountability, presented information related to the state accreditation status of Virginia Beach City Public Schools for the 2019-20 school year including an overview of accreditation indicators, performance levels and accreditation status. It was reported that for the third year in a row, one-hundred percent of division’s schools were identified as accredited for the 2019-20 school year. Additionally, an update on performance under the Federal Accountability system driven by the Every Student Succeeds Act (ESSA) was provided which monitors performance and participation on Standards of Learning (SOL) tests, English Learner progress, academic growth, high school graduation and whether or not schools are accredited, concluding that none of the division’s schools are expected to be designated for support or improvement under ESSA.
- C. School Calendar Recommendation on Pre/Post Labor Day Start: Donald E. Robertson, Jr., Ph.D., Chief Schools Officer; and Natalie N. Allen, Chief Communications and Community Engagement Officer, reviewed information presented in the afternoon workshop regarding results from a survey that concluded 64.3 percent of the 18,500 respondents opposed a pre-Labor Day start. Given the overwhelming response, they presented Administration’s recommendation for the School Board to consider maintaining the post-Labor Day start in the development of the next two-year calendar cycle for both the 2020-21 school year and the 2021-22 school year. There being no objection, the School Board agreed to take action on the recommendation under Item 19 – Vote on Remaining Action Items so the calendar workgroup can begin their work.
- D. School Start Times Follow-Up: Daniel F. Keever, Senior Executive Director of High Schools, recapped research related to the influences of later school start times for adolescents, shared survey results on questions posed around school start times, and reviewed the November 2018 School Board resolution that directed the development of options that allow adolescent students to start school later. Also reported were survey results in the area of readiness of families for a fall 2020 implementation, and preferences for the start time tier order. Guiding goals used in the development of a proposal were reviewed, and results of a Transportation team analysis were presented. Administration’s recommendation was introduced as an elementary-middle-high tiered model as outlined below with associated strengths and challenges identified:

Elementary A Schools: 7:30 a.m. – 2:00 p.m.
 Elementary B Schools:..... 8:00 a.m. – 2:30 p.m.
 Middle Schools:..... 8:40 a.m. – 3:10 p.m.



High Schools:..... 9:20 a.m. – 4:10 p.m.

Strengths:	Challenges:
<ul style="list-style-type: none"> - Revised schedule would match medical research for students’ sleep patterns - Most elementary students picked up after 7 a.m. - Most adolescent students would have start times of 8:30 a.m. or later - Middle school students would have an earlier release time 	<ul style="list-style-type: none"> - Need for approximately 80 additional driver hours per day (\$325,000) - All high schools would require field lighting <ul style="list-style-type: none"> ▪ \$2.8 million already allocated in Capital Improvement Program (CIP) for high school field lights ▪ \$2.5 million in one-time costs to finish high school field lights - Transportation for middle school athletics/elementary tutoring may be impacted

Following the presentation, discussion ensued about requesting another survey be taken that clarifies the only options being the one proposed by Administration, or an option for no change. School Board members explained their position with majority supporting another survey be taken, and asked that they be provided the survey in advance for review before it is made available to stakeholders. There was School Board consensus to take action under Item 19 – Vote on Remaining Action Items, to formally request the survey.

- E. Budget FY18/19 Resolution Regarding Reversion and Revenue Actual Over/Under Budget Funds: Farrell E. Hanzaker, Chief Financial Officer, reviewed the proposed resolution concerning the fiscal year 2018-19 budget introduced in the afternoon workshop, and explained each component in detail resulting in the FY2018/19 reversion and revenue actual over/under budgeted funds available for re-appropriation in the amount of \$26.1 million, including recommendations for use of the funds. Following brief discussion, there was consensus for the School Board to take action on the proposed resolution with attachment under Item 19 – Vote on Remaining Action Items.
- F. Interim Financial Statements – September 2019: Crystal M. Pate, Director of Business Services, presented the division’s financial position as of September 30, 2019 reporting the overall revenue trend as favorable. She described a very low shortfall expected in state funds related to Average Daily Membership (ADM), reported on federal Impact Aid receipts, and explained an amendment in the Appropriation Act impacting sales tax receipts. Finally, expenditures were reported as acceptable at this point in the fiscal year.
- G. Policy Review Committee Recommendations: School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney, presented an overview of the following Policy Review Committee (PRC) recommendations regarding review, amendment and repeal of certain policies reviewed by the committee at their October 11, 2019 meeting:
 - 1. Bylaw 1-5 Legal Counsel: Language added that requires Legal Counsel to provide resolutions for all School Board members to consider when asked to provide



informal legal advice. It was explained the amendment to the Bylaw is one of the methods used to resolve issues outlined in a Freedom of Information Act (FOIA) dispute filed by certain School Board members and is the result of decisions made during School Board discussion at their October 8 regular meeting.

2. Bylaw 1-28 Committees, Organizations and Boards – School Board Member Assignments: Amendments made to consistently clarify membership on all School Board committees; and to add a Planning and Performance Monitoring Committee, and Governance Committee with duties outlined for each. In response to an inquiry, the composition of the Governance Committee was described, and routine matters related to the Superintendent’s contract and employment referred to as a responsibility of the Governance Committee were explained. Following discussion, it was suggested such matters would be determined in initial meetings of the Governance Committee.
3. Policy 2-7 Superintendent: Appointment/Term of Office/Compensation: Language removed regarding time periods of appointment of a Superintendent and to refer to applicable law, amending the section regarding the Superintendent’s expenses, and adding a section that requires the Superintendent to file a disclosure form under the Virginia Conflict of Interests Act (COIA). Ms. Lannetti explained amendments to the policy originally drafted as a response to October 8 School Board discussion about resolving issues raised in a FOIA dispute, were deemed more appropriately covered in Policy 2-10 by the PRC.
4. Policy 2-10 Superintendent: Vacancy in Office/Fines/Suspension/Separation: Definition related to a vacancy in the position of the Superintendent was added along with language regarding the appointment of an Acting Superintendent; fines, suspensions and removal for cause; and conditions of employment that authorizes a Governance Committee to initially address a Superintendent’s issues or concerns about conditions of employment that are not otherwise addressed by the employment contract or applicable law or policy.

- 14. *Standing Committee Reports:*** Vice Chair Melnyk reported she attended meetings of the regional Governor’s School for the Arts (GSA) and SouthEastern Cooperative Education Program (SECEP), and announced upcoming events.

Ms. Weems advised she attended her first meeting of the School Health Advisory Board, and reviewed their function and work towards identifying focus areas for the upcoming year, noted a Benefits Office representative reported on flu vaccines, and information was presented on screenings administered by school nurses.

Absent objection, the School Board agreed to vote on items identified earlier in the meeting ready for action to be taken prior to the conclusion of the formal meeting.

- 19. *Vote on Remaining Action Items*** (part 1 of 2):

School Start Times: Ms. Riggs made a motion, seconded by Ms. Holtz, that the School Board hereby directs Administration to submit another simple survey on school start times that defines



the two remaining options as one that maintains the current time schedule with no change; and the other shifting school start times that supports a later start for adolescents as presented by Administration in October after reporting results from the transportation analysis. School Board members asked to review the survey prior to it being made public. Superintendent Spence reviewed the timeline for results to be returned to the School Board for action to be taken in December. The motion passed unanimously.

Budget FY18/19 Resolution Regarding Reversion and Revenue Actual Over/Under Budget Funds:

Vice Chair Melnyk made a motion, seconded by Ms. Holtz, that the School Board approve the Budget Resolution Regarding FY2018/19 Reversion and Revenue Actual Over Budgeted Funds as presented. Prior to a vote, Ms. Manning commended the explanation of the funds, and advised she would be voting against the resolution because she is opposed to using one-time funds for recurring costs referencing \$4.8 million in the resolution. Prior to a vote, Superintendent Spence clarified the amount is actually \$5.8 million in ongoing costs with \$4.8 million directed by City Council to be used for implementation of full-day kindergarten (FDK). He explained the division has been working over the past six years to bring the amount down from \$12 million to \$5.8 million, and emphasized the need for the funds due to the uncertainty of the revenue picture and because it is a rebenchmarking year. Noting the School Board's shared opposition to using one-time funds for recurring costs, Vice Chair Melnyk reiterated City Council's directive; and Ms. Rye reminded the School Board about City Council's commitment to cover any shortfall that may occur with the advanced implementation of FDK. The motion passed (ayes 10, nays 1 – Manning), and the resolution was approved as follows:

Budget Resolution Regarding FY 2018/19 Reversion and Revenue Actual Over Budgeted Funds

WHEREAS, on September 24, 2019, the School Board was presented with a summary of the unaudited financial statements for FY 2018/19 (year-ending June 30, 2019) showing the reversion amount to the city's General fund; and

WHEREAS, of the net reversion amount, \$7,987,835 came in as additional revenue over the appropriated budget, and Attachment A to this resolution further illustrates the details of the reversion amounts; and

WHEREAS, \$442,950 reverted from the Green Run Collegiate Charter School fund, \$25,942,904 reverted from the School Operating fund and \$438,344 reverted from the Athletics fund; and

WHEREAS, the estimated total amount available for re-appropriation is \$26,824,198; and

WHEREAS, the city is currently indicating a FY 2018/19 revenue actual under budget of the revenues included in the Revenue Sharing Formula, of which the schools' portion is \$745,046; and

WHEREAS, the net reversion funding available for re-appropriation is \$26,079,152; and

WHEREAS, the Administration recommends the following for the available funds in the amount of \$26,079,152:

- \$5,800,000 to be re-appropriated to the School Reserve Special Revenue fund to cover possible revenue shortfalls in the FY 2020/21 School Operating fund 115
- \$438,344 to be re-appropriated to the Athletics fund 119
- \$7,339,247 to be re-appropriated to the CIP fund:
 - Lynnhaven MS Expansion (Achievable Dream) - \$4,000,000
 - Project 1-003, Replacements/Energy Management (baseball/softball field lights) - \$2,500,000
 - Project 1-185, Elementary School Playground Equipment Replacement (SECEP playground upgrades) - \$334,737
 - Project 1-182, Renovations and Replacements - Various Phase III (classroom furniture replacement) - \$300,000
 - Project 1-184, Plaza Annex Office Addition (technology to support Professional Development Center) - \$200,000
 - Project 1-178 Renovations and Replacements - Grounds Phase III (SECEP fencing) - \$4,510



- \$12,501,561 to be re-appropriated to the School Operating fund 115 for:
 - Full-day kindergarten implementation - \$4,859,000
 - Interactive whiteboard replacements - \$3,000,000
 - Replacement school buses - \$2,659,000
 - Replacement white fleet vehicles - \$517,561
 - Replacement equipment/vehicles for Grounds Services - \$380,000
 - Edulog integrated transportation solution system - \$341,000
 - Interactive whiteboard replacements (SECEP) - \$334,000
 - Replacement stage curtains at six schools (safety concern) - \$210,000
 - Additional vans to transport special needs students - \$121,000
 - Two-way radios - \$80,000

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the FY 2018/19 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 2018/19 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.

Attachment A

FY 2018/19 Reversion Funds

	\$ Amount	% Compared to School Operating Budget
FY 2018/19 Reversion		
School Operating Fund 115 Reversion	25,942,904	3.1%
Athletics Fund 119 Reversion	438,344	
Green Run Collegiate Fund 104 Reversion	442,950	
Total FY 2018/19 Reversion Funds	26,824,198	
Revenue Sharing Formula Reconciliation - Revenues Under Budget	(745,046)	
Total FY 2018/19 Revenues Available for Re-appropriation	26,079,152	
School Operating Fund 115 FY 2018/19 Revenue Over Budget (non-appropriated)		
Federal Revenue Over Budget	3,761,332	
State Revenue Over Budget	2,031,283	
Other Revenue Over Budget (Vehicle Sales, Stop Arm Program, SECEP CIP, Indirect Cost-Grants)	1,218,822	
State Sales Tax Over Budget	976,398	
Total Revenues Over Budget	7,987,835	
FY 2018/19 School reversion funds available (excluding revenues over/under budget)	17,955,069	2.1%
FY 2018/19 Reversion Funds Assigned for Specific Purposes		
School Reserve Special Revenue Fund to Cover Possible Revenue Shortfalls in FY 2019/20	5,800,000	
Complete Full-Day Kindergarten Implementation	4,859,000	
Funding for SECEP Classrooms (interactive whiteboard replacements, playground equipment upgrades and fencing)	673,247	
Total FY 2018/19 Reversion Funds Assigned	11,332,247	
School Operating reversion funds available (excluding non-appropriated revenues over budget and safeguarding funds assigned for specific purposes)	6,622,822	0.8%

School Calendar - Pre/Post Labor Day Start: Ms. Riggs made a motion, seconded by Vice Chair Melnyk, that the School Board approve a proposal to keep the post-Labor Day start in the development of the next biennial school calendar for the 2020-21 and 2021-22 school years. The motion passed unanimously.

15. Conclusion of Formal Meeting: The formal meeting concluded at 9:24 p.m.



-
- 16. *Hearing of Citizens and Delegations on Non-Agenda Items:*** The School Board heard comments from Tahlee Robinson as the Boys and Girls Club of Virginia Beach Youth of the Year; and Dawn Euman advocating for an increase in employee compensation.

The School Board recessed at 9:28 p.m. and reconvened in School Board Chambers in workshop format at 9:39 p.m.

17. *Workshop:*

- 1D. School Board Discussion on FOIA Dispute: School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney, guided the School Board through discussion toward settlement of issues related to the Virginia Freedom of Information Act (FOIA) dispute identified in a letter from Attorney Kevin Martingayle, retained by School Board members Hughes, Manning and Weems, regarding alleged violations related to the August 13, 2019 closed meeting for Personnel Matters. Ms. Lannetti stated policy changes reflecting agreed upon items discussed at the October 8 workshop were managed through the Policy Review Committee (PRC) process and introduced earlier in the meeting under the Information section, and considered settlement for two of the issues. She further reported a discussion with Mr. Martingayle on progress towards resolving matters suggested there were remaining issues that required attention. Ms. Manning explained the issue is a desire for a clear acknowledgement by the School Board that the closed meeting violated Virginia FOIA. Ms. Lannetti reviewed language the majority of the School Board appeared to agree to in developing their response at the October 8 workshop, but had since come into question. She noted it is up to the claimants to decide if they wish to file a lawsuit, but advised the School Board against dragging the matter, already played out in the media, through the court system, and described possible outcomes to include the potential that the court could order the School Board to pay legal fees and/or fines. School Board discussion ensued in which claimants continued to request an acknowledgement that FOIA laws had been violated while other School Board members argued those claims as they worked through trying to reach consensus on the matter under School Board Legal Counsel's advice of it being in their best interest to resolve the issue outside of court. The School Board debated elements of the closed session as being subjective to a perceived violation of FOIA with majority agreeing to vote on deliberated language under Item 19 – Vote on Remaining Action Items in an effort to resolve the dispute and avoid further distraction from the work of the school division.

The workshop concluded at 10:47 p.m.

- 18. *Closed Meeting:*** None



-
19. **Vote on Remaining Action Items** (part 2 of 2): Ms. Rye made a motion, seconded by Ms. Owens, that the School Board approve the language as discussed for the response to a remaining issue in the FOIA dispute related to respecting free speech and expression rights of School Board members. The motion passed unanimously, and the statement was approved as follows: *“School Board members should not infringe upon free speech or free expression rights of other School Board members, and each member will make efforts to be vigilant, alert and responsive to their social media pages/sites.”*

Ms. Weems made a motion, seconded by Vice Chair Melnyk, that the School Board approve the language as discussed for the response to a remaining issue in the FOIA dispute regarding compliance with the Virginia FOIA. The motion passed (ayes 9, nays 2 – Anderson and Hughes), and the statement was approved as follows: *“To the extent that FOIA was violated, the School Board members will not do it again.”*

Prior to adjournment, School Board Legal Counsel affirmed the School Board’s desire to respond to the FOIA dispute in the form of an official letter back to Mr. Martingayle. Ms. Manning noted the School Board still has not admitted to any wrong-doing.

20. **Adjournment:** There being no further business before the School Board, Chairwoman Anderson adjourned the meeting at 10:49 p.m.

Respectfully submitted:

Dianne P. Alexander, Clerk of the School Board

Approved:

Beverly M. Anderson, School Board Chair