



School Board Services

Trenace B. Riggs, Chair
District 1 – Centerville

Carolyn D. Weems, Vice Chair
District 9

Beverly M. Anderson
At-Large

Kathleen J. Brown
District 10

Michael R. Callan
District 6

David Culpepper
District 8

Jennifer S. Franklin
District 2 – Kempsville

Victoria C. Manning
At-Large

Staci R. Martin
District 4

Kimberly A. Melnyk
District 2

Jessica L. Owens
District 3 – Rose Hall

Aaron C. Spence, Ed.D., Superintendent

School Board Regular Meeting MINUTES
Tuesday, February 14, 2023

Holland Road Annex
2323 Holland Road
Virginia Beach, VA 23453
(757) 263-1000

1. **Administrative, Informal, and Workshop:** Chair Riggs convened the Administrative, Informal, and Workshop session at 4:01 p.m. on the 14th day of February 2023 and announced members of the public will be able to observe the School Board meeting through live streaming on schoolboard.vbschools.com/meetings/live, broadcast on VBTV Channel 47, and on Zoom; welcomed members of the public both in person and online.

In addition to Donald E. Robertson, Ph.D., Chief of Staff, standing in for Superintendent Spence (out of town/conference), the following School Board members were present: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens.

- A. **School Board Administrative Matters and Reports:** Ms. Manning mentioned the front doors by the auditorium being unlocked for the meeting; Chair Riggs mentioned information from City Council regarding a resolution for participation in a disparity study, School Board Attorney, Kamala H. Lannetti shared some additional information and historical background; there was a brief discussion regarding the cost of the study; Chair Riggs shared information regarding the upcoming School Board mini retreat on February 28 beginning at 11:00 a.m. with lunch, reviewed the retreat schedule and topics.
- B. **Title IX Update:** Matthew D. Delaney, Chief Schools Officer provided the School Board information regarding the Title IX Grievance process, how it differs from the Virginia Beach City Public Schools (VBCPS) disciplinary process and how the grievance process impacts students, staff, and families; defined what is Title IX – prohibits discrimination on the basis of sex in educational programs or activities receiving federal financial assistance; Final Rule – impose important legal obligations on school districts requiring a prompt response to reports of sexual harassment; reviewed Title IX process versus school discipline; Title IX – Federal Law, Final Rule; School Discipline – State Requirements, VBCPS Disciplinary Guidelines; noted that Title IX and school based disciplinary actions involve two separate processes that work independently from one another; reviewed behaviors associated with Title IX; mentioned three categories of sexual harassment: quid pro quo, statutory offenses, hostile environment; Title IX Grievance Process: Title IX Coordinator receives formal complaint and begins screening process; school based discipline process is halted until Title IX investigation is completed; Investigator: Principal/Assistant Principal conducts factual investigation – does not make judgement, recommendations, or decision (20 days); Decision Maker reviews the investigative report, issues a written determination of responsibility (20 days); Title IX Appeal Process: appeal must be filed within three business days, a new decision maker is assigned; appeal process can take approximately 10 days; reviewed Title IX investigations 2022-2023 YTD; 126 investigation screened, 28 total Title IX cases, 1 appeal; time to finalize process 30-40 days; mentioned goal of presentation to give the School Board a better understanding of the Title IX process.

The presentation continued with questions and comments regarding the process; disciplinary action; who does Title IX apply to; how Title IX fits into other agencies; interview process; police involvement; multiple interviews; response time; due process; time and communication; right to appeal; behaviors with Title IX – reviewed slide; and procedure for dealing with some behaviors.

School Board of the City of Virginia Beach
Holland Road Annex
2323 Holland Road
Virginia Beach, VA 23453

Tuesday, February 14, 2023
School Board Regular Meeting
Page 2 of 6

C. Superintendent’s Estimate of Needs for FY 2023/24 and the Superintendent’s Proposed FY 2023/24 – FY 2028/29 Capital Improvement Program Budget: Crystal M. Pate, Chief Financial Officer started the workshop budget and reviewed items in the Governor’s budget, House Appropriations, and Senate Finance, such as 2% salary increase, retention bonus, performance bonus, recruitment bonus, support cap, specialized support staff, reading specialists, instructors for English Learners, school security, Lab schools initiative; Cheryl R. Woodhouse, Chief Human Resources Officer continued the presentation; discussed the new professional instructional level II pay grade; positions affected: Behavior Intervention Specialist, Occupational Therapist, Physical Therapist, Positive Behavioral Intervention Support Specialist, School Psychologist, School Social Worker; reviewed changes: employees will move from an 8-hour workday to a 7.5-hour workday exclusive of lunch, grade will reflect 1.3% between steps like all unified pay grade, all options include an increase to the entry level salary; reviewed professional instructional level II pay grade Option 1: entry rate: \$32.20 to \$35.25, approximate cost \$399,618, average increase \$5,461; reviewed professional instructional level II pay grade Option 2: entry rate: \$32.20 to \$37.50, approximate cost \$1,130,095, average increase \$10,033; shared comparison charts with 22-23 current pay rates and proposed options. The presentation continued with questions and comments regarding clarification on steps; degree allowances; positions and degrees required; positions part of the scale; instructional scale and unified scale; number of employees under the new professional instructional level II pay grade; recruitment bonus; VDOE funding; option 1 scale for teachers; vacancy rate of positions; outsources of some positions; teacher positions; reduction of staff and students; performance bonus and how to implement. Jack Freeman, Chief Operations Officer continued the presentation and was available for questions regarding the Capital Improvement Program budget; the discussion continued with questions and comments regarding Princess Anne High School replacement; modernization project; program funding; inflation rates and costs; PPEA; lottery funding; construction cost for other schools in the state; cost per square footage; historical financial crisis; whole construction costs (i.e. construction, overhead costs, design costs, furniture, etc.); square footage needed in buildings; building the right size school to fit needs; and capacity of schools.

- 2. **Closed Session:** There was no closed session during the Administrative, Informal, and Workshop session.
- 3. **School Board Recess:** Chair Riggs adjourned the Administrative, Informal, and Workshop session at 5:42 p.m.
- 4. **Formal Meeting (Holland Road Annex – School Board Room/Auditorium) 6:00 p.m.**
- 5. **Call to Order and Roll Call:** Chair Riggs convened the meeting of the School Board at the Holland Road Annex, School Board Room/Auditorium at 6:02 p.m. on the 14th day of February 2023 and welcomed members of the public both in person and online.

In addition to Donald E. Robertson, Ph.D., Chief of Staff, standing in for Superintendent Spence (out of town/conference), the following School Board members were present: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens.

- 6. **Moment of Silence followed by the Pledge of Allegiance**
- 7. **Student, Employee and Public Awards and Recognition**

- A. 2022 Digital Citizenship Contest Winners: The School Board recognized the following students: Dieu Anh Tink, a second grader from New Castle Elementary; Callie Sanson, a fifth grader from Malibu Elementary; Denae Kinglock and Alex Macedo, eighth graders from Old Donation School; and Shenan Lewis, a sophomore from Tallwood High School.
- B. Code of Ethical and Professional Conduct for Members of the School Board of the City of Virginia Beach signing: Each School Board member signed the Code of Ethical and Professional Conduct for the year 2023.
- C. Resolution of Appreciation: The School Board recognized Regina M. Toneatto, Clerk of the School Board and Susan Keipe, Deputy Clerk of the School Board as part of Virginia School Boards Association (VSBA) designating the third week in February, February 13-17, as VSBA School Board Clerk Appreciation Week. Chair Riggs read the following resolution:

**Resolution for VSBA School Board Clerk Appreciation Week
February 2023**

WHEREAS, school board clerks in each locality throughout our great Commonwealth are appointed by law to fulfill their duties and responsibilities; and

School Board of the City of Virginia Beach
Holland Road Annex
2323 Holland Road
Virginia Beach, VA 23453

Tuesday, February 14, 2023
School Board Regular Meeting
Page 3 of 6

WHEREAS, school board clerks are responsible for keeping accurate records of the meetings and proceedings of the school board, a record of all receipts and disbursements, and a record of all official acts; and

WHEREAS, school board clerks perform such other duties in connection with the school business of her/his county or city as may be required by the school board; and

WHEREAS, school board clerks maintain frequent contact with the public, including parents, employees and the media, on behalf of the school board and superintendent; and

WHEREAS, school board clerks, in the performance of their duties, are often required to work extra hours attending school board meetings; and

WHEREAS, school board clerks join with school boards to help ensure that students achieve to their highest potential; and

WHEREAS, school board clerks provide an invaluable service for school board members and superintendents, the VSBA Board of Directors does hereby recognize the third week of February as School Board Clerk Appreciation Week in the Commonwealth of Virginia, and

WHEREAS, the School Board of the City of Virginia Beach joins the VSBA in recognizing the many and varied contributions of school board clerks;

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach also recognize the third week of February as School Board Clerk Appreciation Week; and be it

FURTHER RESOLVED: That a copy of this resolution be spread across the official minutes of this Board.

Adopted by the School Board of the City of Virginia Beach this 14th day of February 2023.

- 8. Adoption of the Agenda:** Chair Riggs called for any modifications to the agenda as presented. Hearing none, Chair Riggs called for a motion to approve the agenda as presented. Ms. Anderson made the motion, seconded by Ms. Melnyk. Without discussion, Chair Riggs called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.
- 9. Superintendent's Report:** There was no report presented at the meeting.
- 10. Approval of Meeting Minutes**
 - A. January 24, 2023, Regular School Board Meeting: Chair Riggs called for any modifications to the January 24, 2023 regular School Board meeting minutes as presented. Hearing none, Chair Riggs called for a motion to approve the January 24, 2023 minutes as presented. Ms. Franklin made the motion, seconded by Ms. Brown. Without discussion, Chair Riggs called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.
- 11. Public Hearing on Proposed FY 2023-24 School Operating Budget and FY 2023/24 through FY 2028/29 Capital Improvement Program:** Chair Riggs announced the School Board will hear public comments beginning with the public hearing on the FY2023/24 School Operating Budget and the FY2023/24 through FY2028/29 Capital Improvement Program and then public comments on matters relevant to PreK-12 public education in Virginia Beach and the business of the School Board and the School Division. Chair Rye mentioned information regarding speaker process, decorum and order, and submitting comments via group email.

There were five (5) in person speakers for the Public Hearing on the proposed operating budget and capital improvement program; topics discussed were teacher compensation; recruitment and retention; Option 1 from compensation study; pay scales; wellness day; CIP costs; inflation; and building plans for Princess Anne High School.

School Board of the City of Virginia Beach
Holland Road Annex
2323 Holland Road
Virginia Beach, VA 23453

Tuesday, February 14, 2023
School Board Regular Meeting
Page 4 of 6

12. Public Comments (until 8:00 p.m.)

Public comments continued after the public hearing. There were twenty-seven (27) in person speakers (including twenty-one (21) student speakers); topics discussed were VDOE Model Policy; transgender students; use of preferred name and pronoun; care and support for transgender students; mental health issues regarding transgender students; teacher-student relationship; safe school environment for all students; protecting student rights; parental rights; support for model policy; inclusive environment for students; and school counselors.

The Public Comments ended at 7:52 p.m.

13. Information: There were no items under information.

14. Return to public comments if needed: As noted under Agenda item #12, Public Comments ended at 7:52 p.m.

15. Consent Agenda: Chair Riggs read the following items on the Consent Agenda:

- A. Textbook Adoption: Japanese I-IV: Recommendation that the School Board review and approve the following high school textbooks as recommended by the Japanese Textbook Adoption Committee for implementation in the fall of 2023.

Course Title	Textbook	Publisher	Copyright
Japanese I-II	<i>Nakama 1: Beginning Japanese Communication, Culture, Context, 3rd Edition</i>	Cengage	2021
Japanese III-IV	<i>Nakama 2: Intermediate Japanese Communication, Culture, Context, 3rd Edition</i>	Cengage	2021

- B. Three Oaks Elementary School Multi-Use Path Easement: Recommendation that the School Board authorize the Chair to execute a public pedestrian access easement with the City, which will provide important safety mobility for members of the community.

Chair Riggs called for any objections to the Consent items. Hearing none, Chair Riggs called for a motion to approve the items on the Consent Agenda. Mr. Callan made the motion, seconded by Ms. Anderson. Chair Riggs called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.

16. Action

- A. Personnel Report / Administrative Appointments: Chair Riggs called for a motion to approve the February 14, 2023 personnel report and administrative appointments. Ms. Melnyk made the 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 February 14, 2023 personnel report along with administrative appointments as recommended by the Superintendent. Without discussion, Chair Riggs asked if any School Board members needed to recuse themselves from the vote. Hearing none, Chair Riggs called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. There was one (1) abstention: Mr. Culpepper, concerns regarding the process. The motion passed, 10-0-1. Donald E. Robertson, Ph.D., Chief of Staff, standing in for Superintendent Spence (out of town/conference), introduced the following: Patrice B. Boone, District Instructional Coach, James Monroe Elementary School, Norfolk Public Schools as Assistant Principal, Green Run Elementary School; Caitlin B. Dean, School Improvement Specialist, Corporate Landing Middle School as Assistant Principal, Bettie F. Williams Elementary School; Shakeena T. Semmel, Administrative Assistant, Bayside Middle School as Assistant Principal, Larkspur Middle School; and Amber P. Hester, Instructional Specialist, Office of K-12 and Gifted Programs as Coordinator, Fine Arts, Department of Teaching and Learning.

- 17. Committee, Organization or Board Reports:** Ms. Anderson shared information regarding the Sister Cities, choosing a new Youth Ambassador, scholarship opportunity, Art Competition, event to be held March 24 at the Philippine Cultural Center; Ms. Melnyk mentioned the Bus Driver Association 50th anniversary celebration dinner on March 25 at the Holiday Inn on Greenwich Road from 5 pm to 11 pm; Green Run Collegiate Gala on March 11 at the Philippine Cultural Center at 6:30 p.m.; Vice Chair Weems mentioned she attended the Mental Health Task Force meeting last week, four working groups (awareness, identification, stigma, and access), stigma subgroup working on what resources are currently working in schools and recommendations will be forthcoming; Ms. Owens mentioned an upcoming event at Salem High

School Board of the City of Virginia Beach
Holland Road Annex
2323 Holland Road
Virginia Beach, VA 23453

Tuesday, February 14, 2023
School Board Regular Meeting
Page 5 of 6

School – Visual and Performing Arts Academy will hold their annual BBQ and Silent Auction on March 3 from 6 p.m. to 8 p.m.; Ms. Franklin mentioned the Entrepreneurship and Business Academy at Kempsville High School, and being mentioned by Governor Youngkin; mentioned the International Welcome Center (IWC) Open House; attended the CAC for Gifted Education meeting, discussed gifted testing; attended the Special Education Advisory Committee meeting, received parent feedback; shared information regarding a student school board representative, shared a recommendation to have 2-3 student representatives from every high school, application process, seeking School Board input; Ms. Franklin briefly mentioned student loan forgiveness for teachers; Ms. Owens shared additional information regarding the student school board representative, thanked students for input, looking forward to School Board input, bring to Policy Review Committee, possibly have a student representative for the new school year; Chair Riggs mention the Virginia Beach Education Foundation (VBEF) Pearls of Wisdom event on April 1 on 24th street Oceanfront, raise money for teacher grants.

The School Board recessed at 8:15 p.m. for a short break and to transition to the Einstein Lab for the Closed Session.

The School Board reconvened in the Einstein Lab at 8:23 p.m.

18. Return to Administrative, Informal, Workshop or Closed Session matters: Vice Chair Weems made a motion, seconded by Ms. Melnyk, that the School Board recess into Closed Session in accordance with the exceptions to open meetings law set forth in Code of Virginia §2.2-3711, Part A, Paragraph 1, 7, and 8, as amended, to deliberate on the following matters:

1. 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.
7. 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.
8. 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:

- A. Superintendent's contract matters
- B. Pending litigation matters
- C. Status of pending personnel matters and Grievability Determination

The motion to recess into closed session passed unanimously with all School Board members voting, 11-0-0.

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

- C. Status of pending personnel matters and Grievability Determination: School Board members: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Chief of Staff; Matthew Delaney, Chief Schools Officer; Cheryl R. Woodhouse, Chief Human Resources Officer; Jack Freeman, Chief Operation Officer; and Regina M. Toneatto, Clerk of the Board.

At 8:34 p.m., the following staff members left the Closed Session: Matthew Delaney, Chief Schools Officer; Cheryl R. Woodhouse, Chief Human Resources Officer; and Jack Freeman, Chief Operation Officer.

School Board of the City of Virginia Beach
Holland Road Annex
2323 Holland Road
Virginia Beach, VA 23453

Tuesday, February 14, 2023
School Board Regular Meeting
Page 6 of 6

- B. Pending litigation matters: School Board members: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Chief of Staff; and Regina M. Toneatto, Clerk of the Board. At 8:38 p.m., the following staff member left the Closed Session: Donald E. Robertson, Ph.D., Chief of Staff.
- A. Superintendent's contract matters: School Board members: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens; Kamala H. Lannetti, School Board Attorney; and Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 9:03 p.m.

Certification of Closed Session: Vice Chair Weems 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. Melnyk made the motion, seconded by Ms. Manning. There were eleven (11) ayes in favor of the motion for Certification of Closed Session. The motion passed unanimously, 11-0-0.

Vice Chair Weems made the following motion, seconded by Ms. Anderson, that the Grievability Determination regarding Terry Pope be moved to the February 28, 2023 meeting and that, should the grievance proceed to a hearing, that the Superintendent and the School Board Attorney are authorized to appoint a hearing officer to hear the grievance and provide findings of fact and recommendations to the School Board.

Without discussion, Chair Riggs called for a vote. The School Board Clerk announced the motion passed unanimously, 11-0-0.

- 19. Adjournment:** Chair Riggs adjourned the meeting at 9:05 p.m.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Trenace B. Riggs, School Board Chair