



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 Mini-Retreat/ Regular Meeting MINUTES
Tuesday, February 28, 2023

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

Chair Riggs convened the School Board mini retreat at 11:34 a.m. on the 28th day of February 2023 at the Holland Road Annex Einstein Lab. The following School Board members were in attendance: Chair Riggs, Vice Chair Weems (arrived at 11:53 a.m.), Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin (arrived at 11:48 a.m.), Ms. Martin, Ms. Melnyk, and Ms. Owens (arrived at 11:37 a.m.)

School Board Discussion: School Board members shared the “why” and the “what” regarding their reasons for being on the School Board; shared their background, history, and goals.

Legislative Overview: Joel Andrus from Kemper Consulting provided a 2023 legislative update; overview – 45 day session, nearly 3,000 bills introduced, approximately 300 impacted LEAs; no significant amendments made to the current biennial Budget, possible future Special Session to deal with outstanding budget items, numerous retirements announced; budget and funding: remove inflation cap for next re-benchmarking process, teacher salary increase and recruitment and retention, support cap, increase behavior and mental health staff available to students to aid in early identification and support of students exhibiting mental health needs, delivering quality special education services, dedicated state funding for capital improvements; other legislative issues: school bus driver shortage, eliminate or fund currently unfunded mandates, continued reform of assessment system, laboratory schools and innovative learning environments.

Budget: Crystal Pate, Chief Financial Officer shared budget information; recap of questions from the School Board regarding posting updated budget balancing spreadsheet to the website, “transfers to other funds”, administrative assistant at Bayside HS verses the administrative assistant at Landstown MS; shared the revised budget balancing sheet and mentioned the increase allowances for advanced degrees and additional 1.0 Admin Assistant for Bayside HS; if receive more funding, possible use towards: allowances for advanced degrees, additional compensation, PAYGO funding for the CIP; Cheryl Woodhouse, Chief Human Resources Officer reviewed information on the implementation costs summary by phase from the Segal presentation; Melisa Ingram, Executive Director, Office of Facilities Services shared information on the Capital Improvement Program (CIP); reviewed funding sources – alternative A for years 2023/24 through 2028/29; reviewed the CIP Proposed FY24 budget; CIP Funding – total cost (including appropriations to date) \$735,426,061, Year 1 (2023/24) \$62,800,000; items in the CIP: renovations & replacement projects, renovations and replacements – safe school improvements, energy performance contracts, elementary school playground equipment replacement, Princess Anne High School Replacement, Bettie F. Williams/Bayside 6th Replacement, Bayside High School Replacement (partially funded); Year 1 proposed funding (2023/24 \$62,800,000) will allow the School Division to execute: 44 projects – support continued project funding, various phased of design & construction; 5 schools – support grant matches & maintain federal grant funding; 3 replacement school projects.

The presentation continued with questions and comments regarding starting salaries; unified pay scale and instructional scale; fund transfers; PPEA; funding for CIP projects; excess property; Jericho Road; need for a CIP budget; cost of the three school replacement projects; grant funding; design projects; funding sources for sale of property.

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The School Board took a break at 1:23 p.m. and reconvened at 1:35 p.m.

Teacher Retention: Cheryl Woodhouse, Chief Human Resources Officer presented information on recruitment and retention; teacher retention percentage for 2021-2022 was 87.72%; current retention strategies: provided two \$1,000 bonuses, extended instructional contracts until January 31, 2023, professional development conducted to increase awareness of routes to licensure among teacher assistants, eliminated non-resident student tuition costs for staff, reduced the premium cost of health insurance to employees effective January 1, 2023, issued early commitments and letters of intent to prospective new teacher hires, hired three grant-funded teacher retention liaisons, teachers facilitating sessions at recruitment events; mentioned grant funding sources: Recruitment Incentive for Public Education (RIPE), Recruitment and Retention Support Grant (RARS), STEM Teacher Recruitment and Retention Initiatives (TRRI); expanding teacher retention efforts: create a teacher referral program, implement stay interviews, expand the teacher retention liaison position; equity plan alignment: increase employee perks, discounts, and offerings; evaluate the effectiveness of recruitment and retention through surveys and focus groups; offer a variety of professional learning opportunities for all staff; review and calibrate application screening process for the purpose of establishing consistency across buildings; increase intentionally in the recruitment of a diverse workforce.

The presentation continued with questions and comments regarding grant source funding; teacher transfers; paths to licensure; alternative ways to licensure; personnel report; number of retirements; Meet and Greet event at Green Run High School; provisional license; career switchers; hiring fairs; teacher time requirements after workday; involuntary transfers; transfer process; pay scales and options; instructional scale and unified scale.

Career and Technical Education: Kipp Rogers, Ph.D., Chief Academic Officer provided a brief introduction; Sara Lockett, E.D., Director, Office of Technical and Career Education presented information on VBCPS Career and Technical Education; mentioned where career focused instruction happens: elementary, middle, and high schools, academy programs, Technical and Career Education Center, Advanced Technology Center, dual enrollment at TCC, Adult Learning Center; middle schools (grades 6-8): Career Skills, Creative Coding and Computer Solutions (I, II, III), Financial Skills, Technology Education (6, 7, 8), Teen Living (6, 7, 8), Digital Applications (HS Credit), Desktop Publishing (HS Credit); offerings at Technical & Career Education Center: Air Conditioning, Refrigeration, and Heating (HVAC), Auto Body and Paint Technology, Automotive Service Technology, Carpentry, Construction Technology, Cosmetology, Culinary Arts, Dental Assisting, Early Childhood Education, Electricity, Electronics/Robotics, Landscape Design and Management, Legal Systems Administration, Licensed Practical Nursing, Masonry, Welding, etc.; offerings at Advanced Technology Center: Architectural Design, Cisco Network Engineering (Dual Enrollment), Cybersecurity Systems Technology, Digital Design, Engineering Design, Engineering Technology, Game Character Design, Hospitality & Tourism Management (Dual Enrollment), Information Technology & Cyber Foundations, Marketing and Entrepreneurship @ Lynnhaven Mall, Modeling & Simulation, Naval Architecture & Ocean Engineering, Network Administration & Cyber Defense (Dual Enrollment), etc.; high schools: business education courses, engineering and technology education courses, family and consumer science courses, marketing and entrepreneurship courses, NJROTC; reviewed CTE stackable credential model; VBCPS Industry Credentials earned 2021-2022: 100 different assessments, 15,440 assessments administered, 12,442 industry credentials earned, 139,875 industry credentials earned since 2002; 2022-2023 (semester 1): 7,142 industry credential earned; reviewed VBCPS student pass rates for various assessments; the class of 2022 graduated with 9,606 industry credential, 2,654 students earned multiple credentials; shared photos supporting CTE Programs.

The presentation continued with questions and comments regarding needs for CTE – staffing; dual enrollments; weighed classes; college credit classes; credential assessments; certifications; tracking internships; follow-up survey after graduation; work-based learning specialist; NJROTC - partnership and costs; general fees for courses; keep fees low; volunteers; events that showcase CTE.

The School Board took a break at 3:04 p.m. and reconvened at 3:17 p.m.

Parliamentarian: Kamala Lannetti, School Board Attorney presented information on parliamentarian; Bylaws are School Board's procedures; parliamentary procedure is not a law or statute; purpose of parliamentary procedures is to provide an orderly and fair method for an organization to conduct business; the School Board can create its own governance/parliamentary procedures; School Board Bylaws: Appendix A Standing Rules (12 rules), Appendix B Special Rules – sets forth the Order of Business for School board meetings, Bylaw 1-40 Parliamentary Authority, Special Rules of Order and Standing Rules; Bylaw 1-40 states that the School Board will use Robert's Rules of Order if a Bylaw does not otherwise address a parliamentary procedure; discussion regarding the School Board need for a Parliamentarian; cost; group runs well; learning curve for new Chair; School Board Attorney present at

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meetings; professional development/classes for parliamentary procedure; reviewing and knowing bylaws; prepare for meetings; read agenda; general consensus - at this point no need to spend funds on a parliamentarian.

Summer Retreat Topics: There was a brief discussion regarding topics for the School Board summer retreat; topics for consideration: Annual Compass to 2025; time for teachers; outcome from Richmond – what it means to our work; testing results; Equity Update (possible follow-up in May); school calendar; Recovery School Update; purpose of school visits; Jericho Road land (retreat or workshop topic); differences between NAEP scores and SOLs; discipline; school start times; GED and VBCPS policy; apprenticeship/internships and workforce.

The mini retreat concluded at 3:43 p.m.

1. **Administrative, Informal, and Workshop:** Chair Riggs convened the Administrative, Informal, and Workshop session at 4:01 p.m. on the 28th 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 Superintendent Spence, the following School Board members were present: Chair Riggs, Vice Chair Weems, Ms. Anderson, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning (arrived at 5:20 p.m. – due to traffic), Ms. Martin, Ms. Melnyk, and Ms. Owens. Chair Riggs mentioned Ms. Brown was in traffic and would be arriving later.

- A. School Board Administrative Matters and Reports: Chair Riggs thanked Ms. Amber Hester and staff for the gifts of appreciation for School Board Appreciation Month; Ms. Anderson attended the AVID workshop last week at Great Neck Middle School and gave a shout out to the school and all the things being done for students.
- B. Behavior Response and Support: Matthew Delaney, Chief Schools Officer shared information on the Behavioral supports provided for students, staff and families; proactive approach to support student behavior; the need to address the behavioral needs of our students and staff have been an increasing challenge; perceptions of school safety – based on surveys conducted in 2020-2021 and 2021-2022, more than 90 percent of students, staff and parents reported that their school was a safe place; Thomas DeMartini, Director, Office of Security and Emergency Management continued the presentation; infrastructure: access door control, Genetec camera additions, Raptor Drill Management implementation; policy/procedures: creation/implementation of Armed Security Officer Program, comprehensive Audit Program for all schools and auxiliary buildings; training: administrative training “Searching Students – Legal/Tactical Best Practices”, Armed Security Officer training, DCJS Security Officer training, “Threat Assessment” Training – Model Policy (best practices); reviewed timeline of Office of Security and Emergency Management (OSEM) staffing; office recently changed name to Security & Emergency Management, continue to work on the procurement of the “RAVE” Mass Notification System, School Security Officer Program will continue to grow and progress, continue to update the OSEM Intranet Site to enhance “Emergency Response Plan” and resource accessibility, comprehensive Audit Program will continue to help improve the Division’s critical incident preparedness and response capabilities.

Matthew Delaney continued the presentation; referred to the VBCPS Behavior Supports & Code of Student Conduct document; mentioned VA Code 22.1-279.3; VBCPS strives to create environments conducive to learning through the consistent application of discipline guidelines governed by local, state, and federal guidelines; federal – new guidance from Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) to help schools support students with disabilities and avoid discriminatory use of discipline; reviewed discipline procedures for students with disabilities under IDEA 8VAC20-81-160; IEP team shall consider the use of positive behavioral interventions, strategies, and supports to address the behavior; Manifestation Determination Review (MDR) process; state guidelines – Suspensions and Expulsion of Students Code 22.1-277, students may be suspended or expelled from attendance at school for sufficient cause, however, in no cases may sufficient cause for suspensions include only instance of truancy; noted student behavior and administrative response (SBAR), behavior categories – behaviors that impede academic progress, relationship behaviors, behaviors that present a safety concern, behaviors that endanger self or others, persistently dangerous behaviors; SBAR three-pronged approach: behavioral intervention, instructional support, administrative response; local – School Board Policy 5-21 and 5-36; level of administrative responses to student behavior: Level 1 – Intervention, Level 2 – In-School Suspension (up to 3 days), Level 3 – Out of School Suspension (up to 5 days), Level 4 – Out of School Suspension (6-10 days), Level 5 – Long-term Suspension/Expulsion; mentioned resources to provide support for students and staff: school counselors, Student Response Teams, Student Support Specialists, PBIS coaches, Behavioral Intervention Specialists, Section 504 team, Special Education Committee (SEC); BASE program is a short-term intervention for students in Kindergarten

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through 2nd grade; Choices, for secondary students, is a 10 session instructional program; mentioned additional resources and supports, such as, shifting of OPEC Instructional Specialists from secondary to elementary, providing CPI: Nonviolent Crisis Intervention Training for administrators and special education teachers identified by principals, shifting of Re-ED seats from secondary to elementary for SY23-24; upcoming informational sessions: March 1 – School Safety Webinar, March 14 – School Board Workshop – Mental Health Update. The presentation continued with questions and comments regarding Manifestation Determination Review process; behavioral intervention plan; functional behavioral assessment; 504 plan and IEP; social media; BASE program; supports for students in grades 3-5; Re-ED seats; distribution of Code of Conduct (paper/electronic); number of specialists; threats/threat assessment; supports for teachers; interventions; alternative formats of the Code of Student Conduct; and community support.

- C. PPEA Interim Agreement Discussion: Jack Freeman, Chief Operations Officer, provided a brief introduction; mentioned the mini retreat; CIP separate from PPEA; short recap of PPEA timeline and process; mentioned next steps - School Board to reaffirm support for the interim agreement; Melisa Ingram, Executive Director, Office of Facilities Services continued the presentation; reviewed what is a PPEA project; reviewed the anticipated timeline; steps in process; benefits of the PPEA process: schools open sooner, cost savings, prototype high school plan; interim agreement: \$15.4 million, all funds appropriated; interim agreement work will help inform – final guaranteed maximum price, debt service impact, final programming for the school (including square footage, size of classrooms); PPEA interim agreement – three replacement schools (Princess Anne High School, B.F. Williams/Bayside 6th, Bayside High School); PPEA interim agreement status: School Board approved August 9, 2022, City Council action – deferred to April 18, 2023; reviewed PPEA timeline and next steps dates in the approval process; shared image/slide of School Board resolution from August 9, 2022; mentioned inflation costs; and low risk. Chair Riggs mentioned questions could be asked during the Action agenda portion. See Agenda item #15C.
- D. Superintendent’s Estimate of Needs for -FY 2023/24 and the Superintendent’s Proposed FY 2023/24 – FY 2028/29 Capital Improvement Program Budget: Due to time constraints, the presentation was moved to agenda item #17 – Return to Administrative, Informal, Workshop or Closed Session matters.

- 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 5:32 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 28th day of February 2023 and welcomed members of the public both in person and online.

In addition to Superintendent Spence, the following School Board members were present: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown (arrived at 6:38 p.m. due to traffic), Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Vice Chair Weems left the meeting at 6:21 p.m. due to a family emergency.

- 6. **Moment of Silence followed by the Pledge of Allegiance**
- 7. **Student, Employee and Public Awards and Recognition**
 - A. National Board Certified Teachers: The School Board recognized the following teachers who received National Board certification: Jessica Dennis, kindergarten teacher, Linkhorn Park Elementary School; Matthew Denvir, English teacher, Tallwood High School; Lindsey Eskins, band instructor, Independence Middle School; Zachary Kattwinkel, drama teacher, First Colonial High School; Claire Love, second grade teacher, Christopher Farms Elementary School; Suzanne Forster-Sackel, fourth grade teacher, Arrowhead Elementary School; Michelle Robusto-DeAtley, English teacher, Kellam High School; Heidi Yeager, gifted teacher, Kempsville Middle School; and Kelly Zajac, fifth grade teacher, Christopher Farms Elementary School.
- 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. Franklin made the motion, seconded by Ms. Martin. Without discussion, 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, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Ms. Brown was not in attendance at the time of the vote, see agenda item #5.

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- 9. Superintendent's Report:** Superintendent Spence shared the following information: 1) School Board Appreciation Month; 2) A Day of Service at Plaza Middle School, on January 31, sixth and seventh graders performed service projects at Plaza Middle School and eighth graders volunteered at several locations; 3) earlier this month, Environmental Studies Program students went to see a beached whale being examined by the Virginia Aquarium stranding team, the endangered right whale washed ashore within walking distance of their classroom; 4) in March, all 4,768 of our fifth graders are reading the same book, "EllRay Jakes is Magic!" by Sally Warner, as part of a new literacy initiative called All District Read; and 5) this week celebrating Public Schools Week.
- 10. Approval of Meeting Minutes**
- A. February 7, 2023 Special School Board Meeting: Chair Riggs called for any modifications to the February 7, 2023 special School Board meeting minutes as presented. Hearing none, Chair Riggs called for a motion to approve the February 7, 2023 minutes as presented. Ms. Anderson made the motion, seconded by Mr. Culpepper. Without discussion, 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, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Ms. Brown was not in attendance at the time of the vote, see agenda item #5.
- B. February 14, 2023, Regular School Board Meeting: Chair Riggs called for any modifications to the February 14, 2023 regular School Board meeting minutes as presented. Hearing none, Chair Riggs called for a motion to approve the February 14, 2023 minutes as presented. Ms. Martin made the motion, seconded by Ms. Manning. Without discussion, 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, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Ms. Brown was not in attendance at the time of the vote, see agenda item #5.
- 11. Public Comments (until 8:00 p.m.)**
- Chair Riggs announced the School Board will hear public comments until 8:00 p.m. on matters relevant to Pre-K public education in Virginia Beach and the business of the School Board and the School Division. Chair Riggs mentioned information regarding speaker process and submitting comments via group email. There were forty (40) in person speakers (including twenty-four (24) in person student speakers) and two (2) online speakers; topic discussed were VDOE Model Policy; transgender students; school counselors; preferred name and pronoun; bullying; respect for all students; student equity; safety of students; parental rights; student rights; instructional and unified pay scale; transfer policy; pay scale for PT/OT; budget; teacher planning time, workload; Option 1 for teachers; professional level II pay scale; superintendent's estimate of needs (SEON); teacher shortage; PPEA; Capital Improvement Program (CIP); school enrollment; after-school club; size of Princess Anne High School; PRC meeting; accountability; and discipline.
- The Public Comments were suspended at 8:00 p.m. to continue with the formal meeting and the items on the information agenda.
- 12. Information**
- A. Interim Financial Statements – January 2023: Daniel Hopkins, Director of Business Services, presented the following financial information to the School Board; overall revenue trend remains acceptable at this point in the fiscal year; on February 16 received the House and Senate proposed amendments to the FY23 Direct Aid Budget; mentioned the error on the Governor's proposal of \$3.3 million and changes to the House and Senate Proposals; federal revenues are showing an acceptable trend; received Impact Aid payments of approximately \$10 million through end of January; sale tax receipts are at an acceptable level; approximately \$3.6 million higher than the same time last year; February sales tax is down from the pervious year by \$200,000; and expenditures and encumbrances trend continues to remain acceptable at this point in the fiscal year.
- B. Policy Review Committee (PRC) Recommendations: That the School Board approve Policy Review Committee (PRC) recommendations regarding review, amendment, and repeal of certain bylaws and policies as reviewed by the PRC at its February 9, 2023 meeting. School Board Attorney, Kamala H. Lannetti presented the following:
- Policy 2-1/Management Plan/Goals and Objectives: The PRC recommended scrivener's changes.
 - Policy 2-2/Definition: No recommended changes
 - Policy 2-3/Consultants: The PRC recommended added language pertaining to monthly reports regarding consultant contracts to School Board. There was a brief discussion regarding consultants and information to be provided on the monthly report; Policy 2-3 will go back to the Policy Review Committee for further review and clarification.

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4. Policy 2-5/Superintendent: Qualifications: The PRC recommended scrivener's changes. Upon review, to add a capital "S" to the word superintendent.
 5. Policy 2-6/Superintendent: Recruitment and Selection Procedures: The PRC recommended scrivener's changes.
 6. Policy 2-7/Superintendent: Appointment/Term of Office/Oath/Compensation: No recommended changes.
 7. Policy 2-8/Superintendent: Powers/Duties/Responsibilities: No recommended changes.
 8. Policy 2-9/Superintendent: Evaluation: No recommended changes.
 9. Policy 2-10/Superintendent: Vacancy in Office/Acting Superintendent/Fines/Suspension/Separation/Conditions of Employment: The PRC recommended scrivener's changes. There was one question regarding the timeline under section B – Vacancy in Office.
 10. Policy 2-13/Job Descriptions: No recommended changes.
 11. Policy 2-14/Organizational Structure: No recommended changes.
 12. Policy 2-19/Administrative Action in Absence of Policy: No recommended changes.
 13. Policy 2-20/Review of Administrative Decisions/Board Requests of Administrators: The PRC recommended additional language to regarding public access.
 14. Policy 2-33/Coordinators: Title IX/Section 504/ADA: The PRC recommended scrivener's changes.
 15. Policy 5-29/Awards for Achievement/Class Rank/Honor Designations: The PRC recommended additional language regarding school year 2023-2024, required enrollment, and schools with an advanced academy and the ability to have 2 valedictorians and 2 salutatorians. There was a discussion regarding the policy being reviewed; language in the policy regarding consecutive semesters; military families and transitional families; weighted classes; valedictorian and salutatorian; grade point averages for the honor designations; academy programs; class rank; motivation to take higher level courses; Policy 5-29 will go back to Policy Review Committee for further review.
 16. Policy 7-49/Organizations Eligible to Use Facilities: The PRC recommended changes to reflect addition of Girl Scouts and the change in the Boy Scouts' Organizational name.
- 13. Return to public comments if needed:** The Public Comments resumed at 8:59 p.m. and concluded at 9:21 p.m. See agenda item #11 for topics discussed.
- 14. Consent Agenda:** Chair Riggs read the following items on the Consent Agenda.
- A. Resolutions:
 1. National Women's History Month: Recommendation that the School Board approve a resolution recognizing March 2023 as National Woman's History Month.
 2. VSBA Students and Schools in Challenging Environments: Recommendation that the School Board approve a resolution recognizing March as Virginia School Boards Association Students and Schools in Challenging Environments Month.
 3. Fine Arts in our Schools Month: Recommendation that the School Board of the City of Virginia Beach proclaims the month of March 2023 as Fine Arts in Our Schools Month.
 4. National School Social Work Week: Recommendation that the School Board approve a resolution recognizing March 5-11, 2023, as National School Social Work Week.
 5. Read Across America: Recommendation that the School Board approve a resolution endorsing the National Education Association's Read Across America.
 - B. Recommendation of General Contractor: New Castle Elementary School Roof Replacement: Recommendation that the School Board approve a motion authorizing the Superintendent to execute a contract with TST Tactical Defense Solutions, Inc. d/b/a TST Roofing for the New Castle Elementary School Roof Replacement in the amount of \$3,200,000.
 - C. Resolution for Opioid Settlement Class Action Suit: Recommendation that the School Board approve the Resolution regarding settlement of the Class Action suit against various defendants concerning Opioid distribution.

After reading the items on the Consent Agenda, Chair Riggs called for any objections to the Consent items. Hearing none, Chair Riggs called for a motion to approve all the items on the Consent Agenda as presented. Ms. Melnyk made the motion, seconded by Mr. Callan. Before the vote, the resolutions were read. Ms. Marin read the following resolution:

**Resolution
National Woman's History Month
March 2023**

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our school division, communities and nation in countless recorded and unrecorded ways;

WHEREAS, American women have played and continue to play critical economic, cultural, and social roles in every sphere of the life of the nation by constituting a significant portion of the labor force working inside and outside of the home;

WHEREAS, American women have played a unique role throughout the history of our city and nation by providing the majority of the teaching force of the nation;

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our nation that are still evident today;

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, American women have served our country courageously in the military;

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history:

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach officially recognizes the month of March 2023 as National Women's History Month; and be it

FURTHER RESOLVED: That the School Board of the City of Virginia Beach encourages all citizens to support and recognize women, in both the public and private sectors that provide healing and hope for the betterment of all throughout the community; and be it

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

Ms. Anderson read the following resolution:

Resolution
VSBA Students and Schools in Challenging Environments Month
March 2023

WHEREAS, challenging environments in schools have become an increasingly significant area of concern in the United States and Virginia; and

WHEREAS, over 50% of public school students qualify for subsidized meals; and

WHEREAS, the code of the Commonwealth of Virginia, through the acts of the legislative, executive, and judicial branches, acknowledges geographical and local challenges with funding public education and seeks to remedy disparities across the state; and

WHEREAS, we recognize that factors including, but not limited to, disability, race, ethnicity, and socioeconomic status have a demonstrated history of impacting the educational opportunities provided to a student; and

WHEREAS, the promise of public education is for every child to be successful in school and life; and

WHEREAS, it is important for Virginia Beach families, students, teachers, and school administrators to be aware of the diverse needs and strengths of learners, and to encourage discussion of the challenges and opportunities as a school community; and

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NOW, THEREFORE, BE IT RESOLVED: That the School Board of the City of Virginia Beach officially recognizes the month of March 2023 as VSBA Students and Schools in Challenging Environments Month; and be it

FURTHER RESOLVED: That the School Board of the City of Virginia Beach encourages all citizens to advocate and increase awareness about the supports necessary to improve Virginia Beach's challenged school environments; and be it

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

Mr. Callan read the following resolution:

**RESOLUTION
FINE ARTS IN OUR SCHOOLS MONTH
MARCH 2023**

WHEREAS, fine arts programs in Virginia Beach City Public Schools provide curricular, co-curricular and extracurricular experiences in art, dance, music and theater arts for all student members of the school community and for the Virginia Beach community at large; and

WHEREAS, the School Board of the City of Virginia Beach is cognizant of the importance of fine arts to all our students, not only while they are in school but also throughout their lives; and

WHEREAS, art, dance, music and theater arts are now and have been a vital part of the curriculum and instruction of the public schools of Virginia Beach; and

WHEREAS, the month of March has been designated as Music in Our Schools Month, Youth Art Month, and Theatre in the Schools Month by their national associations.

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach recognizes the month of March 2023 as Fine Arts in Our Schools Month in Virginia Beach City Public Schools; and be it

FURTHER RESOLVED: That the School Board of the City of Virginia Beach express its appreciation to our fine arts educators for enhancing our lives and the lives of our children through art, dance, music and theater arts; and be it

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

Ms. Owens read the following resolution:

**RESOLUTION
National School Social Work Week
March 5-11, 2023**

WHEREAS, Virginia Beach City Public Schools social workers help identify and remove environmental barriers to learning, thus allowing students to reach their full potential; and

WHEREAS, school social workers are committed to mobilizing family, school and community resources to enable students to learn and fully benefit from their educational program; and

WHEREAS, school social workers are valuable members of the multidisciplinary team serving schools, providing a wide range of services to students, parents and staff; and

WHEREAS, school social workers use their expertise in child development, community resources, mental health and crisis intervention to develop and implement interventions to support educational success; and

WHEREAS, school social workers assist the most vulnerable children and adolescents, including children with disabilities, children living in homelessness, children living in poverty, pregnant teens, suicidal teens, truants and other at-risk children; and

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WHEREAS, this shared approach to assisting students promotes students' learning and helps guide students to high school graduation and postsecondary experiences and the skills necessary to be productive citizens;

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach recognize the second full week of March 2023 as National School Social Work Week in Virginia Beach City Public Schools; and be it

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

Ms. Brown read the following resolution:

**Resolution Read Across America
March 2, 2023**

WHEREAS, the citizens of Virginia Beach stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future and their ability to compete in a global economy; and

WHEREAS, Virginia Beach City Public Schools has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that education investment is key to the community's well-being and long-term quality of life; and

WHEREAS, "National Education Association's (NEA) *Read Across America*," a national celebration of reading on March 2, 2023, motivates students to read a variety of literature that are about everyone, for everyone;

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach calls on all the citizens of Virginia Beach to assure that every child is in a safe place reading together with a caring adult on March 2, 2023, and be it

FURTHER RESOLVED: That this body enthusiastically endorses "NEA's *Read Across America*" and recommits our community to engage in programs and activities that improve the reading abilities of all children; and be it

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

Ms. Melnyk read the following resolution on behalf of Vice Chair Weems:

RESOLUTION
A RESOLUTION OF THE SCHOOL BOARD OF THE CITY OF VIRGINIA BEACH, VA
APPROVING
PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS
AGAINST TEVA, ALLERGAN, WALMART, CVS, WALGREENS, AND THEIR RELATED
CORPORATE ENTITIES, AND DIRECTING COUNSEL TO EXECUTE THE DOCUMENTS
NECESSARY TO EFFECTUATE PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its political subdivisions by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its political subdivisions have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, CVS, and Walgreens to pay billions of dollars nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the School Board of the City of Virginia Beach, Virginia approves of participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, CVS, Walgreens, and their related

corporate entities, and directs legal counsel and the Superintendent or designee to execute the documents necessary to effectuate participation in the settlements, including the required release of claims against settling entities, and that the Superintendent or designee collaborate with the City Manager or designee regarding use of settlement funding to address education regarding opioid use and addiction by students.

Adopted by the School Board of the City of Virginia Beach, Virginia this 28th day of February 2023.

After the resolutions were read and without any recusals, Chair Riggs called for a vote to approve the Consent Agenda as presented. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chair Riggs, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Vice Chair Weems was not in attendance at the time of the vote, see agenda item #5.

15. Action

- A. Personnel Report / Administrative Appointments: Chair Riggs called for a motion to approve the February 28, 2023 personnel report and administrative appointments. Ms. Anderson made the motion, seconded by Ms. Franklin 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. Before the vote, Mr. Culpepper had a point of personal privilege regarding abstaining from the vote several times, addressed the issue, received feedback from the Superintendent and staff, additional information was provided on the report. Without further discussion, Chair Riggs called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chair Riggs, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Vice Chair Weems was not in attendance at the time of the vote, see agenda item #5. There were no administrative appointments.
- B. Governance Committee At-Large Seat Recommendation: Chair Riggs called for a motion to approve Jessica Owens as the additional School Board member on the Governance Committee. Ms. Anderson made the motion, seconded by Ms. Melnyk. For clarity, Chair Riggs provided brief background information on the motion. Without further discussion or recusals, Chair Riggs called for vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chair Riggs, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Vice Chair Weems was not in attendance at the time of the vote, see agenda item #5.
- C. PPEA Interim Agreement: Recommendation, that, in response to the City Council's request, the School Board determine whether it continues to support the Proposed Interim Agreement with S.B. Ballard Construction Company for design work for Princess Anne High School, B.F. Williams/Bayside 6th, and Bayside High School as approved on August 9, 2022. To open the floor for discussion, Chair Riggs called for a motion on the PPEA Interim Agreement. Mr. Culpepper made the motion, seconded by Ms. Martin. A discussion followed with comments and questions regarding advantages of the PPEA; design costs; inflation; prototype design; cost of buildings with design/bid/build model; total project costs; Henrico school building; negotiation with the PPEA process; lack of competition; size of schools; funding for three school projects; numbers in the CIP; Policy 3-71; support for PPEA; square footage of new buildings; current rate of funding; benefits verses risks; how many contractors bid on contracts; mindful of taxpayers money; clarification regarding unsolicited bid and overview of process; savings on projects; need a decision from the School Board regarding the PPEA. Ms. Melnyk made the motion, seconded by Mr. Culpepper, that the School Board vote on the PPEA Interim Agreement so the School Board can move forward with the next step; clarity on the motion – to send it back to City Council, voting to confirm that what we sent to City Council – you still agree with that and you want City Council to consider it; restated we confirm that we still want the City Council to consider the Interim Agreement as sent in August; for clarity the motion was restated – the motion on the floor is that the School Board vote to confirm that they want City Council to proceed with a decision on the Interim Agreement, the request to approve the Interim Agreement as it was sent to them in August of 2022. Without further discussion, Chair Riggs called for a vote on the motion Ms. Melnyk made and Mr. Culpepper seconded. The School Board Clerk announced there were seven (7) ayes in favor of the motion: Chair Riggs, Ms. Anderson, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Martin, and Ms. Owens. There were two (2) nays opposed to the motion: Ms. Brown and Ms. Manning. There was one (1) abstention: Ms. Melnyk due to conflict of interest/does not vote on general contractor projects. The motion passed, 7-2-1.

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- 16. Committee, Organization or Board Reports:** Ms. Anderson mentioned the Youth Ambassador through the Sister Cities will be chosen on March 24 and the program will take place at the Philippine Cultural Center of Virginia Beach; reminder Governance Committee meeting tomorrow; Ms. Manning confirmed the time of the Policy Review Committee meeting at 11:00 am on March 9; and Ms. Melnyk mentioned Internal Audit Committee meeting on March 2 at 1:00 p.m.
- Chair Riggs announced the return to the Einstein Lab to finish the budget workshop presentation and Closed Session.
- The School Board recessed at 11:13 p.m.
- 17. Return to Administrative, Informal, Workshop or Closed Session matters:** The School Board reconvened at 11:22 p.m.
- Returned to workshop item:
- D. 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 Pate, Chief Financial Officer presented information that was previously shared during the mini-retreat; recapped questions from the School Board members; reviewed the revised budget balancing figures; noted changes on the following items: increase allowances for advanced degrees and additional 1.0 Admin Assistant for Bayside HS; possible additional funding through the General Assembly; going with Option 1 for the instructional scale and unified pay scale as presented; if more money is received, what are suggestions from School Board; budget department recommendations: allowances for advanced degrees, additional compensation, PAYGO funding for the CIP; mentioned Capital Improvement Program; the presentation continued with questions and comments regarding the state budget and additional funding; additional funding to advanced degrees and Option 1; Option 2 funding on the unified scale; posting options on the website; sharing information with public; pay scales; Segal presentation and recommendations; and reminder of special School Board meeting next week for adoption of budget and CIP.

Closed Session: Ms. Melnyk made a motion, seconded by Ms. Anderson that the School Board recess into Closed Session to deliberate on the following matters:

1. A closed meeting pursuant to the exemptions from open meetings allowed by Section 2.2-3711, Part A, Paragraph 1, as amended,
 - A.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;
 - A.2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.
 - A.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.
 - A.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 the:

1. Superintendent's mid-year evaluation and contract matters.
2. Grievability determination for an Employee Grievance # 531-12-7-22
3. Pending litigation matters
4. JUUL Labs, Inc. Settlement Offer discussions

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The School Board Clerk announced there were ten (10) ayes in favor of the motion to recess into closed session: Chair Riggs, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Vice Chair Weems was not in attendance at the time of the vote, see agenda item #5. The motion passed, 10-0-0.

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

1. Superintendent's mid-year evaluation and contract matters: School Board members: Chair Riggs, 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; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.

Note: Ms. Melnyk stepped out of the closed session at 11:56 p.m. and returned at 11:58 p.m. Ms. Brown and Ms. Franklin stepped out of closed session at 12:30 a.m. and returned at 12:35 a.m. Ms. Lannetti stepped out of closed session at 12:32 a.m. and returned at 12:35 a.m.

4. JUUL Labs, Inc. Settlement Offer discussions: School Board members: Chair Riggs, 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; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.
3. Pending litigation matters: School Board members: Chair Riggs, 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; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.
2. Grievability determination for an Employee Grievance # 531-12-7-22: School Board members: Chair Riggs, 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; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.

Note: Superintendent Spence and School Board Attorney, Kamala H. Lannetti stepped out of the closed session at 12:54 a.m. and returned at 12:57 a.m.

The School Board reconvened at 12:59 a.m., March 1, 2023.

Certification of Closed Session: Ms. Melnyk read the Certification of Closed Meeting:

WHEREAS, the School Board of the City of Virginia Beach has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this School Board that such closed meeting was conducted in conformity with Virginia law.

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

Ms. Manning made the motion, seconded by Ms. Owens. There were ten (10) ayes in favor of the motion for Certification of Closed Session: Chair Riggs, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion passed, 10-0-0.

Chair Riggs made the following motion, seconded by Ms. Franklin that the School Board approve the settlement offer with JUUL Labs, Inc., and authorize the School Board Chair, the Superintendent or designee and the School Board Attorney to take all other actions necessary to accomplish this settlement.

Chair Riggs called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chair Riggs, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion passed, 10-0-0.

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Chair Riggs read the following resolution, which was seconded by Ms. Melnyk:

**RESOLUTION
GRIEVABILITY DETERMINATION IN GRIEVANCE 531-12-7-22
(TERRY POPE)**

WHEREAS: an Employee has submitted a grievance to resolve a dispute with the Employee’s principal regarding written corrective actions given to the Employee; and

WHEREAS: the School Administration, in accordance with Regulation 4-3.1 and applicable law, has challenged whether the grievance as set forth by the Employee meets the definition of a “grievance” and whether the Employee should be allowed to proceed with the grievance procedures; and

WHEREAS: the School Board determined that the parties would submit written arguments to the School Board regarding grievability; and

WHEREAS: on February 28, 2023, the School Board met in Closed Session to deliberate on the written argument submitted by the parties.

NOW THEREFORE, IT IS RESOLVED BY THE SCHOOL BOARD, that:

1. The School Board determines that the grievance meets the definition of a “grievance” and that the Employee may proceed to the next stage of the grievance procedures.

FURTHER RESOLVED: that the Clerk shall provide a copy of this Resolution to the Employee, the Employee’s attorney, School Board Attorney, the Director of Employee Relations, and Chief Human Resources Officer who shall place a copy of this Resolution together with a copy of the supporting documentation in the Employee’s personnel file.

Adopted by the School Board of the City of Virginia Beach this 1st day of March, 2023.

18. Adjournment: Chair Riggs adjourned the meeting at 1:02 a.m., March 1, 2023.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Trenace B. Riggs, School Board Chair