



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
Monday, June 12, 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 3:34 p.m. on the 12th day of June 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 VBT 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 in the Holland Road Annex/Einstein Lab: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens (arrived at 3:38 p.m.)

- A. School Board Administrative Matters and Reports: Chair Riggs mentioned the addition of a student recognition that was left off the agenda; the School Board will be recognizing the NASA HUNCH competition student winners during the Student, Employee and Public Awards and Recognitions; the School Board members received the revised wording on the Committee Assignment coversheet; not going to be recommending the committee members but will be discussing the topic, the revised coversheet was also updated in the online agenda packet provided to the public.
- B. Jericho Road Update: Melisa Ingram, Executive Director, Facilities Services provided the School Board information on Jericho Road as it relates to the upcoming CIP 1-028 Bettie F. Williams Elementary/Bayside 6th (Grades 4-6) Replacement project; shared a visual map of Bayside 6th Grade Campus possible excess property; currently three parcels of land; subdivide property – create two parcels out of the three; shared a visual map of the two parcels of land; noted survey and title work in process; next steps – while planning is underway for Williams ES/Bayside 6th Grade Campus replacement, CIP 1-028, staff will continue planning for the disposal of Bayside 6th Grade Campus: finalize survey & title work with consultant, begin work with the City to re-subdivide the property, property can become excess once the Bayside 6th Grade building is vacated.
The presentation continued with questions and comments regarding the property; turning excess into a park; two subdivided parcels – woods/wetlands; community; plan for outdoor green space; property restrictions; having discussions with City Council; property - appraisal and title; creating an Ad Hoc Committee; stakeholders' input; draft information for next School Board meeting regarding an Ad Hoc Committee.
- C. Equity Update: Ty Harris, Director, Office for Diversity, Equity and Inclusion provided the School Board an Equity update; reviewed the presentation topics – overview of partnership with Hanover Research (rationale, services, benefits, cost), next steps; rationale: global research and analytics firm, primary & secondary research, working with K-12 education for 15+ years, focus area – DEI research and implementation support, selected to serve in an advisory role; reviewed timeline of VBCPS actions and Hanover Research support; services: data dashboard development and division action planning, data literacy tools for School level action planning, DEI diagnostic and assistance with multicultural resources; benefits: external dashboard – maintained by VBCPS after initial creation, build internal capacity for future dashboards, workbook for establishing School-level Action Plans, DEI diagnostic

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 2 of 13

data, tool and process for reviewing multicultural materials; services and cost: advisory support and services, access to research toolkits, unlimited access to research library, member-only webinars, dedicated research team, reports (custom, proprietary), annual cost \$97,500; anticipate a two-year partnership; next steps: action planning with Hanover Research, dashboard development in collaboration with Planning, Innovation and Accountability (PIA) and Department of Technology (DOT).

The presentation continued with questions and comments regarding length of contract; data in database; ownership of data; access to other school divisions for comparison; implementation of plan; internal tracking; areas of need for training/assistance; development of common language; help formalize what we are doing, what is missing, recommendations; School level action plan; plan specific to our division based on analytics.

2. **Closed Session:** At 4:05 p.m., Vice Chair Weems made the following motion, seconded by Ms. Franklin 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, 2, 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.
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.
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 search and discussion regarding decision on Acting Superintendent
- B. Status of pending litigation or administrative cases
- C. Consultation with legal counsel regarding probable litigation and pending litigation matters

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

At 4:10 p.m., the School Board recessed into Closed Session in the Holland Road Annex/Einstein Lab.

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

- A. Superintendent search and discussion regarding decision on Acting Superintendent: School Board members: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens; Kamala H. Lannetti, School Board Attorney; Regina M. Toneatto, School Board Clerk.

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 3 of 13

At 4:26 p.m., Donald E. Robertson, Ph.D., Chief of Staff, joined the Closed Session. At 4:29 p.m., Ms. Manning, School Board member, joined the Closed Session. At 5:02 p.m., Donald E. Robertson, Ph.D., Chief of Staff, left the Closed Session.

The School Board reconvened at 5:29 p.m.

Certification of Closed Session: Vice Chair Weems read the Certification of Closed Session:

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. Anderson for Certification of Closed Session. Chair Riggs called for a vote on the Certification of Closed Session. The School Board Clerk announced there were eleven (11) ayes in favor of the motion for Certification of Closed Session: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion passed unanimously, 11-0-0.

Vice Chair Weems made the following motion, I move that the School Board hereby appoints Dr. Donald E. Robertson, Jr. as the Acting Superintendent of Virginia Beach City Public Schools upon the Superintendent's vacancy. That the School Board will conduct a Superintendent search to be completed within the statutory timeframe; and that the School Board authorizes the Chair and the School Board Attorney to negotiate contract terms with Dr. Robertson for his appointment as Acting Superintendent, subject to final approval by the School Board; and that the School Board authorizes the Chair and the School Board Attorney to take other actions to have Dr. Robertson appointed as Acting Superintendent and to inform the Virginia Superintendent for Public Instruction, and other agencies or individuals of the appointment.

Ms. Melnyk seconded the motion by Vice Chair Weems. Chair Riggs called for a vote on the motion by Vice Chair Weems. The School Board Clerk announced there were eleven (11) ayes in favor of the motion by Vice Chair Weems: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion passed unanimously, 11-0-0.

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 on the School Board at the Holland Road Annex, School Board Room/Auditorium at 6:01 p.m. on the 12th day of June 2023 and welcomed members of the public both in person and online.

In addition to Superintendent Spence, the following School Board members were present in the Holland Road Annex, School Board Room/Auditorium: 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. Virginia Family, Career and Community Leaders of America-Early Childhood Education — First Place, Virginia Beach Technical & Career Education Center: The School Board recognized Elias Paulino, a senior at Kempsville High School,

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 4 of 13

as a first-place state winner in the Family, Career and Community Leaders of America competition. He competed in the Early Childhood Education category.

- B. First Place in Firefighting — Technical & Career Education Center: The School Board recognized Alex Cidlevicz, a senior at Green Run Collegiate, as a first-place state winner in firefighting. At the SkillsUSA Virginia state championships, he competed in a thorough contest that included a physical endurance test for firefighting, a knowledge test and essential skills of a firefighter were also included in the competition.
- C. MATE Mid-Atlantic Regional ROV Competition Champions — Landstown High School: The School Board recognized the Landstown High School Governor's STEM Academy Deep Sea Tactics team who are the Mid-Atlantic Regional ROV (Remotely Operated Vehicle) Competition Champions. The team is qualified to compete at the MATE World Championship in Colorado.
- D. NASA HUNCH Competition — Landstown High School: The School Board recognized from Landstown High School, Chef Suzette Johnson and her Landstown High School students who were selected as NASA HUNCH's Culinary Challenge Winners for 2023. Their Three Sisters Stew recipe won first place and will be processed for spaceflight on an upcoming mission.
- E. VHSL State Forensics — First Place, poetry interpretation, Salem High School: The School Board recognized, Sammi Easmeil, a junior at Salem High School, as a first-place winner in VHSL State Forensics. She won first place in poetry with her interpretation of Mahmoud Darwish's poems, "ID Card" and "Silence for Gaza."
- F. RUBIN America's Next Great Intern — National Finalist, Advanced Technology Center: The School Board recognized Clara Sanchez-Lapitan, a senior at Salem High School, as a finalist in a national internship contest. The contest for American's Next Great Intern was held by RUBIN, an online instruction resource for college and career readiness.
- G. Technology Student Association — First Place State Winners, Advanced Technology Center: The School Board recognized the Advanced Technology Center students who won various first place awards in statewide competitions.

8. Adoption of the Agenda: Chair Riggs noted the coversheet for agenda item #12E was amended. 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. Vice Chair Weems made the motion, seconded by Ms. Melnyk. Without discussion, Chair Riggs called for a vote to approve the agenda as presented. The School Board Clerk announced there were eleven (11) ayes in favor of the motion to approve the agenda as presented. The motion passed unanimously, 11-0-0.

9. Superintendent's Report (second monthly meeting) and recognitions (first and second monthly meetings): Chair Riggs noted there was no Superintendent's report this meeting. Chair Riggs shared the following information – the School Board met in Closed Session earlier this afternoon to discuss how the School Board will proceed with appointing an Acting Superintendent and undertaking a superintendent search. The School Board wishes Dr. Spence well as he prepares to begin his next appointment and the School Board assures our stakeholders that your concerns about the School Division will proceed through this time of transition are heard and you will be kept informed of the processes that will be undertaken. Please note that the School Board will be undertaking a superintendent search that will include multiple opportunities for students, employees, family members, and community stakeholders' input, and that information will be brought forward at a later date. The School Board has voted on certain matters that will allow the School Board to begin this transition stage. The School Board voted to approve the following – the School Board hereby appoints Dr. Donald E. Robertson, Jr. as the Acting Superintendent of Virginia Beach City Public Schools upon the Superintendent's vacancy. That the School Board will conduct a Superintendent search to be completed within the statutory timeframe; and that the School Board authorizes the Chair and the School Board Attorney to negotiate contract terms with Dr. Robertson for his appointment as Acting Superintendent, subject to final approval by the School Board; and that the School Board authorizes the Chair and the School Board Attorney to take other actions to have Dr. Robertson appointed as Acting Superintendent and to inform the Virginia Superintendent for Public Instruction, and other agencies or individuals of the appointment.

10. Approval of Meeting Minutes

- A. May 23, 2023, Regular School Board Meeting: Chair Riggs called for any modifications to the May 23, 2023 regular School Board meeting minutes as presented. Hearing none, Chair Riggs called for a motion to approve the May 23, 2023 minutes as presented. Ms. Brown made the motion, seconded by Ms. Martin. Without discussion, Chair Riggs called for a vote to approve the May 23, 2023 meeting minutes as presented. The School Board Clerk announced there were ten (10) ayes in favor of the motion to approve the May 23, 2023 meeting minutes as presented:

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 5 of 13

Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. There was one (1) abstention: Ms. Franklin due to the fact she was not in attendance at the May 23, 2023 School Board meeting. The motion passed, 10-0-1.

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 – 12 public education in Virginia Beach and the business of the School Board and School Division. Chair Riggs mentioned information regarding speaker process and submitting comments via group email. There were eighty-three (83) in person speakers (including forty-six (46) student speakers) and eight (8) online speakers (including one (1) student speaker); topics discussed were transgender students; preferred name and pronoun; schools a safe place for students; all students feel welcomed; Owens' resolution; inclusive school system; Pride Month banner; protect transgender students; VDOE Model Policy; mental health of students; freedom of expression; respect of students; student rights; human rights; parental rights; authentic identity; bullying; inclusion; thanks to Dr. Spence; library books; Policy 6-65; gun violence; explicit library materials; student representative to School Board; teacher retention; fentanyl; PRC committee; decorum; focus on academics; appreciation of School Board; book ratings; instructional materials; library media specialists; CDC data; COVID vaccines; Bylaw 1-7; student speakers; library opt-out form; and Policy 7-45.

The Public Comments were suspended at 8:00 p.m., to continue with the formal meeting and the items on the Information agenda.

Mr. Culpepper made a motion to continue Public Comments before we continue with our agenda. Ms. Brown seconded Mr. Culpepper's motion. A brief discussion followed regarding the motion; speakers stopping at 8:00 p.m.; few items on Information agenda; student speakers first; general public opportunity to speak; and hearing public comments. Chair Riggs called for a vote on the motion to continue with the public comments now until they are finished and resume our business after that. The School Board Clerk announced there were four (4) ayes in favor of the motion: Ms. Brown, Mr. Callan, Mr. Culpepper, and Ms. Manning. There were seven (7) nays opposed to the motion: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion did not pass, 4-7-0. The meeting continued with the Information agenda items.

12. **Information**

- A. **Interim Financial Statements – April 2023:** Daniel Hopkins, Director of Business Services, presented the following financial information to the School Board: as of April 30, overall revenue trend remains acceptable; March 31 ADM came in at 63,402 which is 35 students below the State projection and 1,209 students below the ADM used to build our budget; General Assembly has not approved budget, predicted to approve by late June; federal revenues are showing a favorable trend; received Impact Aid of approximately \$14 million year-to-date; other sources of revenue are favorable at this point due to Stop Arm Enforcement and sale of capital assets; sales tax receipts are 5c level; year-to-date through April, approximately \$3.1 million higher than same time last year; May sales tax is down from the previous year by approximately \$485,000; expenditures and encumbrances trend continues to remain acceptable. The presentation continued with brief questions and comments regarding approval/passing of state budget and impact on VBCPS budget.
- B. **Citizen's Advisory Committee Appointment Recommendations:** Chair Riggs read the list of appointments to the Citizens' Advisory Committees (Citizen Advisory Committee for Gifted Education, Special Education Advisory Committee, General Advisory Council for Technical and Career); shared background summary information; noted the School Board will be voting at the next meeting on the appointment recommendations.
- C. **Green Run Collegiate Charter Renewal:** Kamala H. Lannetti, School Board Attorney provided the School Board information on the 2023 renewal of the Charter Agreement for Green Run Collegiate Charter School effective July 1, 2023; overview of the background of Green Run Collegiate; charter agreement for five years; five year ends June 30, 2023; reviewed updates and changes in the charter agreement; Ms. Melnyk shared some insights regarding the charter agreement; name of school consistent throughout document; items to match current practices (hiring of GRC administrators); attachments; Chair Riggs suggested School Board members to review documents for next meeting and reach out if there are any questions.
- D. **Virginia School Board Association (VSBA) Renewal Dues:** Chair Riggs shared the following information regarding the Virginia School Board Association (VSBA); the Virginia School Board Association (VSBA) is a private, voluntary, organization of Virginia public schools boards; VSBA provides training, publications, resources, access to some legal

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 6 of 13

assistance, access to some services such as policies, superintendent searches, collective bargaining representation and training, legislative services, conventions and networking and access to other school board associations nationwide; the School Board has been a member of VSBA for over twenty years; the annual dues for VSBA are determined by a formula set by VSBA and member school boards can add additional services at certain costs; for FY23-24, the annual dues for The School Board of the City of Virginia Beach are \$13,779.73; member school boards pay separately for attending conferences, trainings, or other services.

A discussion followed with questions and comments regarding VSBA memberships; other staff benefitting from membership; information for School Board Attorneys; conferences and networking for School Board Clerks and Deputy Clerks; recognitions and awards for school systems; student awards; opportunity for School Board to submit legislation information; vote at next School Board meeting.

- E. School Board Committee Assignments FY 2024: Chair Riggs mentioned committee assignments are done annually at this time of year; terms to begin July 1; Chair Riggs sent an email to all School Board members regarding committee assignments and preferences; School Board member input; reviewed current committee assignments; request to switch discipline committee assignments; interest in serving on Policy Review Committee; interest in serving as VSBA representative; reference to Bylaw 1-28 - ... the School Board Chair in consultation with the Vice Chair will recommend to the School Board School Board Members and others to be assigned to Committees; Chair and Vice Chair will be working together on recommendations; vote at next School Board meeting.

- 13. Return to public comments if needed:** The Public Comments resumed at 8:44 p.m., and concluded at 11:33 p.m. See agenda item #11 for topics discussed.

- 14. Consent Agenda:** Chair Riggs read the following items on the Consent Agenda:

- A. Policy Review Committee (PRC) Recommendations: Recommended that the School Board approve Policy Review Committee (PRC) recommendations regarding amendments of certain policies as reviewed by the PRC at its May 11, 2023 meeting.
1. Policy 3-46/Audits: The PRC recommends changing the old title of the Comprehensive Annual Financial Report to the Current title of Annual Comprehensive Financial Report (ACFR).
 2. Policy 3-87/Free and Reduced/Priced Meals: The PRC recommends adding the language proposed by the Director of Food Services to align with recent Code of Virginia changes.
 3. Policy 3-96/Office of Internal Audit and the Audit Committee: The PRC recommends making changes to correct the title from the Office of Internal Audit to the Department of Internal Audit and update the title of the department head from the Director of Internal Audit to the Internal Auditor.
 4. Policy 7-36/Soliciting Funds or Sales: There are no recommended changes to this policy.
 5. Policy 7-68/Relations with Non-Governmental Organizations: Parochial and Private Schools: There are no recommended changes to this policy.
- B. Religious Exemption(s): Recommended that the School Board approve Religious Exemption Case No. RE-22-23 and RE-22-24.
- C. Internal Audit Charter Amendments 2023: Recommended that the School Board adopt amendments to the Internal Audit Charter.
- D. Textbook Adoption: Math and Science Academy Chemistry: Recommended that the School Board approve the following high school textbook as recommended by the MSA Chemistry Textbook Adoption Committee for implementation in the fall of 2023.

Course Title	Textbook	Publisher	Copyright
MSA Chemistry	<i>General Chemistry: Ebbing and Gammon</i>	Cengage	2017

After reading the items on the Consent Agenda, Chair Riggs called for any objections to the Consent Agenda 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. Culpeper. Chair Riggs called for a vote to approve the Consent Agenda as presented. The School Board Clerk announced there were eleven (11) ayes in favor of the motion to approve the Consent Agenda as presented. The motion passed unanimously, 11-0-0.

15. Action

- A. Personnel Report / Administrative Appointments: Chair Riggs called for a motion to approve the June 12, 2023 personnel report and administrative appointments. Ms. Brown made the motion, seconded by Ms. Melnyk that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the June 12, 2023 personnel report along with administrative appointments as recommended by the Superintendent. Without discussion, Chair Riggs called for a vote to approve the June 12, 2023 personnel report and administrative appointments. The School Board Clerk announced there were eleven (11) ayes in favor of the motion to approve the June 12, 2023 personnel report and administrative appointments. The motion passed unanimously, 11-0-0.

Superintendent Spence mentioned the following: Jodi C. Benson, Administrative Assistant, Birdneck Elementary School as Assistant Principal, Birdneck Elementary School; Nicole E. Stanley, Administrative Assistant, Point O'View Elementary School as Assistant Principal, Point O'View Elementary School; Amie M. Wetmore, Administrative Assistant, Pembroke Elementary School as Assistant Principal, Pembroke Elementary School; Andrew R. Filipowicz, Assistant Principal, Kellam High School as Principal, Princess Anne Middle School; and Carey C. Manugo, Principal, Larkspur Middle School as Principal, Salem High School.

- B. Policy Review Committee (PRC) Recommendations:

1. Bylaw 1-7/Student Representatives to the School Board: Chair Riggs called for a motion to approve Bylaw 1-7/Student Representatives to the School Board. Ms. Melnyk made the motion, seconded by Ms. Owens. A discussion followed regarding Bylaw 1-7; thanked School Board members for the work on the Bylaw; concerns from public about student speakers; Student Advisory Committee; reasons for student representatives; student input; process for choosing student representatives; opportunity to have one student at each School Board meeting – brings different perspectives; having other community members on School Board (i.e., parent, custodian, etc.); other school districts have student representatives; showing students democratic process; students attending City Council meetings; Chair Riggs thanked School Board members, Ms. Franklin and Ms. Owens for their work. After the discussion, Chair Riggs called for a vote to approve Bylaw 1-7/Student Representatives to the School Board. The School Board Clerk announced there were six (6) ayes in favor of Bylaw 1-7: Chair Riggs, Ms. Anderson, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens. There were five (5) nays opposed to Bylaw 1-7: Vice Chair Weems, Ms. Brown, Mr. Callan, Mr. Culpepper, and Ms. Manning. The motion did not pass, 6-5-0 since seven (7) votes were needed to pass the Bylaw. Note: as per Bylaw 1-30/Adoption, Amendment, Repeal or Suspension of Bylaws – Section A, paragraph 2: *Adoption of or, amendment or repeal of a Bylaw requires an affirmative vote of seven of eleven of the School Board Members if all School Board Members are present.*
2. Policy 6-65/Library Media/Professional Libraries: Kamala H. Lannetti, School Board Attorney mentioned a change in the version of the policy under Section C.2. – Existing Library Materials under (a) Elementary Schools, regarding changing *beginning of the 2023-2024 school year* to January 1, 2024; Ms. Manning stated it was discussed but not changed. Ms. Manning made the motion, I move to approve Policy 6-65 as presented in the agenda packet with the change under item C.2.a. to get rid of beginning 2023-24 school year and change it to January 1, 2024. Mr. Culpepper seconded Ms. Manning's motion. A discussion followed regarding Policy 6-65; book challenge process; parental control; procedures currently in place; classic literature; Policy 6-11; possibility of lawsuits; library media specialist knowledge of books in library; instructional materials verse library materials; Code of Virginia 18.2-390; selection of library books; input from library media specialists; definition of explicit content; age ratings on books; Policy 7-12. After the discussion, Ms. Manning restated her motion and Chair Riggs called for a vote on the motion. The School Board Clerk announced there were five (5) ayes in favor of the motion: Vice Chair Weems, Ms. Brown, Mr. Callan, Mr. Culpepper, and Ms. Manning. There were six (6) nays opposed to the motion: Chair Riggs, Ms. Anderson, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion did not pass, 5-6-0.
3. Policy 7-45/Recognition of Students and Staff by the School Board: Chair Riggs called for a motion to approve Policy 7-45/Recognition of Students and Staff by the School Board. Ms. Brown made the motion, seconded by Mr. Culpepper. A discussion followed regarding the Policy 7-45; thanks to Ms. Brown for work done on policy; appreciate intent – current practice sufficient; recognition on a school level; time constraints at meetings; enjoy

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 8 of 13

recognizing students; revisit policy; possibility of hurt feelings for students not being recognized; conflict of interest; Ms. Brown shared the following information from a letter from the Office of the Commonwealth's Attorney, City of Virginia Beach - ...you requested an opinion under the Virginia Conflicts of Interest Act (hereinafter, "the Act") regarding your participation in an upcoming vote of the Virginia Beach City Public School Board (hereinafter "School Board") regarding a change in School Board policy regarding the recognition of "extraordinary VBCPS student achievements in athletics not sponsored by the School Division." ...Turning to whether you have a personal interest in the transaction regarding the vote to change VBCPSB policy to allow the School Board to recognize extracurricular student athletic achievements upon the request of three (3) or more members, your figure skating coaching business is neither (1) the subject of the transaction, nor (2) will it reasonably foresee a direct or indirect benefit or detriment as a result of whether the School Board approves or rejects the policy change...it is my opinion that with respect to your participation in the discussion and voting on the proposed School Board policy change as well as in a vote to recognize certain VBCPS athletes who have not had, nor are they likely to have, a business relationship with you in your private coaching business, that the Act does not limit your participation nor does it require any specific disclosure on your part.

The discussion continued regarding recognizing extraordinary; high level recognitions; having three (3) School Board members needed for recognition; trying to improve policy; understanding on both points of view. After the discussion, Chair Riggs called for a vote to approve Policy 7-45/Recognition of Students and Staff by the School Board. The School Board Clerk announced there were three (3) ayes in favor of the motion to approve Policy 7-45: Ms. Brown, Mr. Culpepper, and Ms. Manning. There were eight (8) nays opposed to the motion: Chair Riggs, Vice Chair Weems, Ms. Anderson, Mr. Callan, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion did not pass, 3-8-0.

- C. Resolution: Affirmation of Commitment to Nondiscrimination and Anti-Harassment of LGBTQ+ Youth and Adults in the VBCPS Educational Environment: Chair Riggs called for a motion to approve the Resolution: Affirmation of Commitment to Nondiscrimination and Anti-Harassment of LGBTQ+ Youth and Adults in the VBCPS Educational Environment. Ms. Melnyk made the motion, seconded by Ms. Owens. Ms. Owens read the following resolution:

RESOLUTION

AFFIRMATION OF COMMITMENT TO NONDISCRIMINATION AND ANTI-HARASSMENT OF LGBTQ+ YOUTH AND ADULTS IN THE VBCPS EDUCATIONAL ENVIRONMENT

WHEREAS, the School Board and Virginia Beach City Public Schools (hereinafter "VBCPS") believe that every student is entitled to an education that is responsive to the student's unique needs to work toward reaching their full potential and that all individuals have the right to a safe physical, emotional, and social environment where responsibility and respect are demonstrated daily and where students are engaged in learning and are active participants in the educational environment because they feel accepted and valued; and

WHEREAS, LGBTQ+ youth and adults are valued members of the VBCPS community; and

WHEREAS, VBCPS acknowledges that LGBTQ+ youth and adults encounter many challenges both in and out of the educational environment; and

WHEREAS, VBCPS further acknowledges that federal and state law, regulation and guidance regarding nondiscrimination and anti-harassment based on sex, sexual orientation and gender identity are rapidly changing and at times inconsistent; and

WHEREAS, in 2016 the School Board amended School Board Policies 4-4 and 5-7 to prohibit discrimination based on sexual orientation and gender identity; and

WHEREAS, the Virginia Human Rights Act §2.2-3900, amended, prohibits discrimination based on sex, sexual orientation and gender identity; and

WHEREAS, the School Board amended its policies and regulations regarding sexual harassment and discrimination in violation of Title IX of the Education Acts of and adopted enhanced Title IX procedures as required by federal law and regulation; and

WHEREAS, existing state and federal statutory and case law affirms the rights of both parents/guardians and students on issues of privacy and the right to freedom from discrimination under Title IX, Title VII and the Equal Protection Clause of the Fourteenth Amendment;

NOW, THEREFORE, BE IT

RESOLVED: That the School Board affirms, supports, and values each of our students and staff and will continue to further our efforts to create a welcoming, safe, and inclusive learning environment providing protections for all students and staff regardless of sex, sexual orientation, gender, gender identity, or on any other characteristic protected by state or federal law; and be it

FURTHER RESOLVED: VBCPS is committed to eliminating all forms of unlawful discrimination and harassment in the educational environment. Accordingly, no student shall be subjected to unlawful discrimination under any VBCPS education program or non-athletic activity based on sex, sexual orientation, gender, gender identity, or on any other characteristic protected by state or federal law regarding non-discrimination and anti-harassment; and be it

FURTHER RESOLVED: That School Board will not adopt, amend, suspend or repeal its bylaws or policies to violate the Virginia Human Rights Act § 2.2-3900, as amended, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 with regard to discrimination and harassment based on sex, sexual orientation or gender identity; and be it

FURTHER RESOLVED: The School Administration will not adopt, amend, suspend or repeal its regulations to violate the Virginia Human Rights Act § 2.2-3900, as amended, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 with regard to discrimination and harassment based on sex, sexual orientation or gender identity; and be it

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

A discussion followed regarding the resolution; student speakers over the past eight months; schools as a safe place for our students; proud of students who came to speak; Human Rights Act; thanks to parents and students for speaking; concerns with paragraph eleven of resolution; limits future actions of School Board; Mr. Culpepper moved to substitute the resolution. Chair Riggs read the following substitute resolution provided by Mr. Culpepper:

RESOLUTION

Non-discrimination Against Youth and Families in Education

WHEREAS, Virginia Beach City Public Schools (VBCPS) believes that every student is entitled to an education that is responsive to one's unique needs to reach their full potential and that provides a safe physical, emotional, and social environment where responsibility and respect are demonstrated daily and where students are engaged in learning and are active participants in the school community because they feel accepted and valued; and

WHEREAS, VBCPS, in accordance with its strategic plan, fosters and builds positive relationships between parents, students, and staff; and

WHEREAS, VBCPS has adopted policies that prohibit all forms of unlawful discrimination in the education environment; and

WHEREAS, per Virginia State Code 1-240.1, parents have a fundamental right to make decisions concerning the upbringing, education, and care of the parent's child; and

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 10 of 13

WHEREAS, students benefit from a welcoming learning environment for all that focuses on the academic education of all students and embraces parental involvement in the educational process; and

WHEREAS, free speech is vital to an open dialog on this or any matter, and is protected under the United States and Virginia Constitutions; public comment, diverse views, and other public displays and assemblies intended to peacefully and civilly express one's interests and beliefs are therefore protected by law.

NOW, THEREFORE, BE IT RESOLVED:

That the School Board of the City of Virginia Beach supports and values every student and will continue to further efforts to create a welcoming, safe, and inclusive learning environment for all students and parents; and

BE IT FURTHER RESOLVED: That the School Board of the City of Virginia Beach will adopt policies that protect all students and emphasize that parents provide the ultimate oversight and decision making for their children; and

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

Chair Riggs noted, the motion made by Mr. Culpepper was seconded by Ms. Manning. A discussion followed regarding the substitute resolution; public has not reviewed new resolution; parental rights; model policy; valid points in substitute resolution but not as a replacement to original resolution; students to continue to have open dialogue; no reference to LGBTQ+ students in substitute resolution; bring back substitute resolution at a later time; no public input on substitute resolution.

After the discussion, Chair Riggs called for a vote on Mr. Culpepper's substitute resolution. The School Board Clerk announced there were four (4) ayes in favor of the substitute resolution: Ms. Brown, Mr. Callan, Mr. Culpepper, and Ms. Manning. There were seven (7) nays opposed to the substitute resolution: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion for Mr. Culpepper's substitute resolution did not pass, 4-7-0.

The discussion continued regarding the original resolution presented by Ms. Owens; respect for colleague, Ms. Owens and advocacy; 2022 Model Policies; model policies not finalized; care about all students; does not support discrimination against anyone; parental rights; Title IX regulations; resolution about more than students – families, staff, economic issue; safety and inclusion; unbiased educational environment; student speakers; philosophical perspective; appreciate public comments; Policy 5-7; conflict with model policies. Ms. Brown shared the following substitute resolution:

RESOLUTION

COMMITMENT TO NONDISCRIMINATION OF LGBTQ+ YOUTH IN EDUCATION

WHEREAS, the School Board and Virginia Beach City Public Schools (hereinafter "VBPCS") believe that every student is entitled to an education that is responsive to the student's unique needs to reach their full potential and that all individuals have the right to a safe physical, emotional, and social environment where responsibility and respect are demonstrated daily and where students are engaged in learning and are active participants in the educational environment; and

WHEREAS, LGBTQ+ youth and adults are valued members of the VBCPS community; and

WHEREAS, VBCPS acknowledges that LGBTQ+ youth encounter many challenges both in and out of the educational environment; and

WHEREAS, in 2016 the School Board amended School Board Policies 4-4 and 5-7 to prohibit discrimination based on sexual orientation and gender identity; and

WHEREAS, in 2020 the Virginia General Assembly amended the Virginia Human Rights Act § 2.2-3900 to prohibit discrimination based on sex, sexual orientation and gender identity; and

WHEREAS, the School Board amended its policies and regulations regarding sexual harassment and discrimination and adopted enhanced Title IX procedures as required by federal law and regulation; and

WHEREAS, existing state and federal statutory and case law affirms the right to freedom from discrimination under Title IX, Title VII and the Equal Protection Clause of the Fourteenth Amendment;

NOW, THEREFORE, BE IT

RESOLVED: That the School Board supports and values each of our students and staff and will continue our efforts to create a welcoming, safe, and inclusive learning environment that provides protections for all students and staff regardless of sex, sexual orientation, gender identity, race, color, religion, national origin, disability or any other characteristic protected state or federal law; and be it

FURTHER RESOLVED: VBCPS is committed to eliminating all forms of unlawful discrimination and harassment in the educational environment. Accordingly, no student shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any VBCPS education program or non-athletic activity based on sex, sexual orientation, gender identity, race, color, religion, national origin, disability or on any other characteristic protected by state or federal law; and be it

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

Chair Riggs asked for copies of the substitute resolution for School Board members and both resolutions should have been sent to the School Board members before tonight. Ms. Franklin stated changes done in the original resolution regarding restrooms, sports, field trips; Chair Riggs asked the School Board Attorney for clarity regarding two substitute motions; Chair Riggs called for a second to Ms. Brown's substitute resolution; Ms. Manning seconded the substitute resolution. A discussion followed regarding Ms. Brown's substitute resolution; Policy 5-7; different values and principles; model policies; original intent of resolution; federal and state government policies; VDOE guidelines; Human Rights Act; Title IX; receiving substitute resolution before meeting; cannot support substitute resolution. After the discussion, Chair Riggs called for a vote on Ms. Brown's substitute resolution. The School Board Clerk announced there was one (1) aye in favor of Ms. Brown's substitute resolution: Ms. Brown. There were ten (10) nays opposed to Ms. Brown's substitute resolution: Chair Riggs, Vice Chair Weems, Ms. Anderson, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. The motion for Ms. Brown's substitute resolution did not pass, 1-10-0.

The discussion continued regarding the original resolution presented by Ms. Owens; Policy 4-4; prohibiting discrimination based on sexual orientation and gender identity; it is a resolution not a policy; model policies; cannot support Owens resolution because of paragraph 11 and 12. Chair Riggs called for a vote on Ms. Owens resolution. The School Board Clerk announced there were six (6) ayes in favor of Ms. Owens resolution: Chair Riggs, Ms. Anderson, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens. There were five (5) nays opposed to Ms. Owens resolution: Vice Chair Weems, Ms. Brown, Mr. Callan, Mr. Culpepper, and Ms. Manning. The motion for Ms. Owens resolution passed, 6-5-0.

- 16. *Committee, Organization or Board Reports:*** Ms. Franklin mentioned she attended the EBA (Entrepreneurship and Business Academy at Kempsville High School) graduation – 95 EBA seniors completed all academy requirements, 24 EBA students got their associate degree, awarded three \$1,000 scholarships, documented over 11,000 hours of service.
- 17. *Return to Administrative, Informal, Workshop or Closed Session matters:*** At 2:19 a.m. on Wednesday, June 13, Vice Chair Weems made the following 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, 2, 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.

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 12 of 13

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.

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 search and discussion regarding decision on Acting Superintendent
- B. Status of pending litigation or administrative cases
- C. Consultation with legal counsel regarding probable litigation and pending litigation matters

Chair Riggs called for a vote. The School Board Clerk announced there were eleven (11) ayes in favor of the motion to recess into Closed Session. The motion passed unanimously, 11-0-0.

At 2:27 a.m., on Wednesday, June 13, 2023, the School Board recessed in Closed Session in the Holland Road Annex/Einstein Lab.

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

- B. Status of pending litigation or administrative cases
- C. Consultation with legal counsel regarding probable litigation and pending litigation matters

School Board members: Chair Riggs, Vice Chair Weems, Ms. Anderson, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens; Kamala H. Lannetti, School Board Attorney; Regina M. Toneatto, Clerk of the Board.

Note: Ms. Brown was not in Closed Session at 2:27 a.m. Ms. Brown entered Closed Session at 2:30 a.m.

A. Superintendent search and discussion regarding decision on Acting Superintendent: 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; Regina M. Toneatto, Clerk of the Board.

The School Board reconvened at 2:45 a.m., on Wednesday, June 13, 2023.

Certification of Closed Session: Vice Chair Weems read the Certification of Closed Session:

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.

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

Tuesday, June 12, 2023
School Board Regular Meeting
Page 13 of 13

Ms. Melnyk made the motion, seconded by Ms. Manning. Chair Riggs called for a vote on the Certification of Closed Session. The School Board Clerk announced there were eleven (11) ayes in favor of the motion for Certification of Closed Session. The motion passed unanimously, 11-0-0.

Chair Riggs read the following resolution:

RESOLUTION ACCEPTING DR. AARON C. SPENCE'S RESIGNATION AS SUPERINTENDENT

WHEREAS, Dr. Aaron C. Spence, Superintendent of Virginia Beach City Public Schools, has requested that the School Board allow him to resign as Superintendent of Virginia Beach City Public Schools effective August 31, 2023; and

WHEREAS, the School Board and Dr. Spence mutually agree to terminate Dr. Spence's Contract for Employment on August 31, 2023; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the School Board and Dr. Spence, in accordance with Section VI (A) of Dr. Spence's contract, mutually agree to terminate Dr. Spence's Contract for Employment at 11:59:59 pm on August 31, 2023; and
2. That the School Board authorizes the Chair and the School Board Attorney to take all actions necessary to terminate Dr. Spence's Contract for Employment, subject to final approval by the School Board; and
3. That the parties agree that the Superintendent will forgo the 2022/23 deferred compensation payment in lieu/in exchange for receiving paid leave for August 16-31, 2023.

Adopted by the School Board of the City of Virginia Beach, Virginia this 13th day of June 2023.

Ms. Franklin seconded the resolution. Chair Riggs called for a vote on the resolution. The School Board Clerk announced there were ten (10) ayes in favor of the resolution accepting Dr. Aaron C. Spence's resignation as Superintendent: 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) nay opposed to the resolution accepting Dr. Aaron C. Spence's resignation as Superintendent: Mr. Culpepper. The motion for the resolution accepting Dr. Aaron C. Spence's resignation as Superintendent passed, 10-1-0.

18. Adjournment: Chair Riggs adjourned the meeting at 2:48 a.m., on Wednesday, June 13, 2023.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Trenace B. Riggs, School Board Chair