



School Board Services

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**Carolyn D. Weems, Vice Chair**  
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**Beverly M. Anderson**  
At-Large

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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

**Donald E. Robertson, Ph.D., Acting Superintendent**

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**School Board Regular Meeting MINUTES**  
**Tuesday, September 12, 2023**

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

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**Closed Session (Student Discipline Hearing):** The Closed Session was cancelled due to the appeal being withdrawn for Student Discipline Case No. 05.31.23.1479.

- 1. Administrative, Informal, and Workshop:** Chair Riggs convened the Administrative, Informal, and Workshop session at 3:30 p.m. on the 12<sup>th</sup> day of September 2023 and announced the members of the public will be able to observe the School Board meeting through live streaming on [schoolboard.vbschools.com/meetings/live](http://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 Donald E. Robertson, Ph.D., Acting Superintendent, the following School Board members were present in the Holland Road Annex/Einstein Lab: Chair Riggs, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin (arrived at 3:31 p.m.), Ms. Melnyk, and Ms. Owens. Note: Vice Chair Weems was at an appointment and arrived at the meeting at 4:30 p.m.

- A. **School Board Administrative Matters and Reports:** Ms. Melnyk mentioned leadership matters and commended the school division for the SOL scores, thanked teachers for all that they do; Chair Riggs mentioned the phone and data allowance for School Board members, yesterday was the first meeting regarding superintendent search, it was a planning meeting and went well, will be sharing the timeline and dates at the next School Board meeting.
- B. **Annual Recruitment, Staffing, and Retention Update:** Anne Glenn-Zeljeznjak, Coordinator, Recruitment and Retention, and Cheryl Woodhouse, Chief Human Resources Officer provided the School Board an annual presentation on recruitment, staffing, and retention; Ms. Woodhouse provided a brief introduction to the presentation, then introduced Ms. Glenn-Zeljeznjak; the presentation continued with a topic overview – market conditions and challenges, staffing results (as of August 25), and recruitment strategies; mentioned alignment with *Compass to 2025* – Goal 4: An Exemplary, Diversified Workforce; market conditions and challenges: fewer students are choosing teaching as a career, negative perception of the teaching profession, inability to earn a competitive and livable wage compared to other college-educated workers, retention of teachers, lack of affordable housing; reviewed supply and demand data; the teacher shortage is a national concern; 2023-2024 critical shortage areas: special education PreK-12, elementary education PreK-6, middle education Grades 6-8, career and technical education, science (secondary), mathematics Grades 6-12 (including Algebra I), English (secondary); housing costs – supply and demand, increase in sale prices, rental property rates; staffing data: 476 new teachers, 13 Virginia Beach Future Teacher Award winners (VTfT), 52 early commitment acceptances, 152 letters of intent; 2022-2023 data – number of teacher retirements and resignations: 511, teacher retention (%): 90.07%; teacher vacancies as of August 25, 2023: 36 (19 elementary, 12 middle school, 5 high school); non-instructional vacancies as of August 25, 2023: 35 (positions include – assistants, office associates, ISS coordinator, nurse); as of August 25, 2023: custodial vacancies: 107 and food service vacancies: 73; transportation vacancies as of August 25, 2023: bus drivers – all routes covered, bus assistants: 40; tuition-free program – as of August 25, 2023: number of employees: 98, number of students: 131; reviewed recruitment

strategies: QR Codes on printed materials, media outlets, YouTube advertisements, radio campaigns, paid advertising on social media sites, Virginia Employment Commission – Work Force Connection, hiring fairs, recruitment participation (virtually and in-person), student teacher/school counseling interns outreach, international teachers; ways to support recruitment: help elevate the profession; follow, share, like and repost social media posts; speak with family, friends, and peers about employment opportunities, apply for vacant positions at VBSchools.com. The presentation continued with questions and comments regarding supporting international teachers with transportation to school; bus drivers; combining transportation routes; custodial vacancies; substitute initiative for custodial in which non-instructional staff can fill in; substitutes for instruction; special education and provisional licenses; food services vacancies; out-of-state teacher licenses; reducing barriers to hiring from another state/country; tuition reimbursement; and kudos to work done by Food Services and Custodial Services.

- C. Your Voice, Employee Input Process: Edie Rogan, Director, Office of Employee Relations provided the School Board information regarding upcoming employee input meetings scheduled for October; reviewed data from 2022-2023 Enhanced Employee Input meetings; total attendees 97 attendees (46 instructional); calendar for Fall 2023: Tuesday, October 17, 2023 from 5:30 p.m. to 6:30 p.m. at Plaza Annex, Thursday, October 19, 2023 from 5:30 p.m. to 6:30 p.m. at Plaza Annex, and Wednesday, October 25, 2023 from 5:30 p.m. to 6:30 p.m. which will be virtual; registration – all active employees are encouraged to participate, registration is currently open for all sessions, employees are asked to register for the meetings using their School Division email account, only registered employees may attend a meeting, employees will not be required to provide their names once they are admitted to the meeting; structure for input meetings: small group facilitated meetings with a focus on glows (what is working) and grows (areas for improvement), feedback cards will be available for employees to submit their ideas; communicating with employees: principal packet memo, flyers, intranet, events at a glance, division-wide email, and reminders. The presentation continued with questions and comments regarding low participation; other ways to express concerns, employee survey, contact HR directly, Teacher Forum; employees have ways to express viewpoints and input; benefits to listening; employees want to feel anonymous; employee survey; employee survey also anonymous.
- D. 2023 Model Policy Work Session: That the School Board review existing policies and regulations and determine how the School Board intends to proceed with complying with the Virginia Department of Education’s Model Policies on Ensuring Privacy, Dignity, and Respect for All Students and Parents in Virginia Public Schools; during the work session School Board members reviewed VDOE 2023 Sample Model Policy along with VBCPS proposed and/or existing policies and regulations; the work session continued with questions and comments regarding gender identity; transgender; defining secondary schools, college; internships and student apprenticeships; cooperative education; needing clarification on post-secondary schools; Policy 5-31; Virginia Human Rights Act; defining eligible student; student guardianship; chosen name and pronoun; informing parents; discussion needed on processes; reviewing what model policies match our VBCPS policies; pronoun usage; bullying; information in student official record; legal documents in student’s official record; being in compliance; Chair Riggs mention the work session would continue at the end of the meeting (see agenda item #17).

- 2. **Closed Session**: None during the Administrative, Informal, and Workshop Session. See agenda item #17.
- 3. **School Board Recess**: Chair Riggs adjourned the Administrative, Informal, and Workshop Session at 5:30 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 6:04 p.m. on the 12<sup>th</sup> day of September 2023 and welcomed members of the public both in person and online.

In addition to Donald E. Robertson, Ph.D., Acting Superintendent, 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**: There were no student, employee, or public awards presented at the meeting.
- 8. **Adoption of the Agenda**: Chair Riggs called for any modifications to the agenda as presented. Ms. Anderson made a motion to remove under the consent agenda item #14A, number #32 (Policy 5-7/Non-discrimination and Non-harassment of Students) and #33 (Policy 5-31/Student Records) under consent agenda to remove from tonight’s agenda and that we

bring those two particular items back at the next meeting on September 26; Ms. Anderson explained her reason because they are still discussing the items and plan to go back to Workshop after formal meeting to have further discussions; Ms. Owens seconded the motion by Ms. Anderson; a discussion followed regarding the motion; suggestions/discussions in workshop are for regulations; more things to discuss regarding policies, unfinished business; clarification on motion; want to bring back policies on September 26, PRC will have chance to talk about those at the PRC meeting on Thursday; Chair Riggs restated the motion: Ms. Anderson asked to bring 14.A.32 and 33 (Policy 5-7 Non-discrimination and Non-harassment of Students and Policy 5-31 Student Records) off of tonight's consent agenda and bring back to the next meeting on September 26, and the motion was seconded by Ms. Owens; the discussion continued; clarification that PRC had meetings on the two policies; why need to defer to another meeting; need to get model policies adopted; going back to Workshop to discuss; bring back under action on September 26; definition of eligible student – still need to discuss; still working on reviewing in workshop; working on clarification of eligible student; policies were discussed at PRC meeting in August; need to move forward – does not support the motion; need to give Superintendent direction.

Chair Riggs called for a vote on the motion. The School Board Clerk announced there were four (4) ayes in favor of the motion to bring 14.A.32 and 33 (Policy 5-7 Non-discrimination and Non-harassment of Students and Policy 5-31 Student Records) off of tonight's consent agenda and bring back to the next meeting on September 26: Chair Riggs, Ms. Anderson, Ms. Martin, and Ms. Owens. There were seven (7) nays opposed to the motion to bring 14.A.32 and 33 (Policy 5-7 Non-discrimination and Non-harassment of Students and Policy 5-31 Student Records) off of tonight's consent agenda and bring back to the next meeting on September 26: Vice Chair Weems, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, and Ms. Melnyk. The motion did not pass, 4-7-0.

Ms. Brown made the following motion to move Policy 5-7 and 5-31 to Action, Mr. Culpepper seconded the motion; there was a brief discussion regarding the definition of eligible student and student in dual enrollment; confirmation of moving items to action; discuss during action with an amendment; option to add an action item after workshop discussion; move forward with vote to place on action agenda; Chair Riggs restated the motion, the motion for the agenda is to move Policy 5-7 and Policy 5-31 to Action as item #15E (Policy 5-7) and item #15F (Policy 5-31). Chair Riggs called for a vote. The School Board Clerk announced there were eleven (11) ayes in favor of the motion to move Policy 5-7 and Policy 5-31 to Action as item #15E (Policy 5-7) and item #15F (Policy 5-31). 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 evening, but there were recognitions. Dr. Robertson, Acting Superintendent, introduced the following appointments which were voted on and approved at the August 22, 2023 School Board meeting: Heather L. Shuler, Administrative Assistant, White Oaks Elementary School as Assistant Principal, Windsor Oaks Elementary School; Marcus Turner, Assistant Principal, Larkspur Middle School as Assistant Principal, Frank W. Cox High School; and Andrea L. Curney, Behavioral Intervention Specialist, Office of Student Support Services as Coordinator, Behavior Intervention, Office of Student Support Services.
10. **Approval of Meeting Minutes**
  - A. **August 22, 2023, Regular School Board Meeting:** Chair Riggs called for any modifications to the August 22, 2023 regular School Board meeting minutes as presented. Hearing none, Chair Riggs called for a motion to approve the August 22, 2023 meeting minutes as presented. Ms. Brown made the motion, seconded by Ms. Franklin. Without discussion, Chair Riggs called for a vote to approve the August 22, 2023 meeting minutes as presented. The School Board Clerk announced there were eleven (11) ayes in favor of the motion to approve the August 22, 2023 meeting minutes as presented. The motion passed unanimously, 11-0-0.
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 PreK-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 thirty-seven (37) in person speakers (including fourteen (14) student speakers) and one (1) online speaker; topics discussed were model policy; Virginia Human Rights Act; preferred name and pronoun; gender identity; medical rights under Code of Virginia; parent rights; confidentiality; age of sovereignty; students' rights to privacy; effect of policy on teachers; safety of students; 14<sup>th</sup> Amendment; discrimination; to protect and uplift students; school as a safe place; budget; SOL test scores; employee compensation; retention and recruitment; pay scales; job vacancies; gun violence; history curriculum; Oath of Office; Code of Conduct; student speakers; parental rights; parental consent; transgender students; VBCPS Core Values; parental

relationships; family unit; regulation changes; parent role and teacher role; work of PRC; parental notification; parental involvement; Policy 4-9; and Policy 5-7.

The Public Comments were suspended at 8:02 p.m., to continue with the formal meeting and items on the Information Agenda.

## 12. Information

- A. Legislative Update: Joel Andrus, Kemper Consulting presented a legislative update to the School Board; special session – budget compromise - Support Cap: \$152.3 million – from 21 per 1,000 ADM to 24 per 1,000 ADM, teacher salary: additional 2% included – effective January 1, specialized supports: not included, flexible funding: \$418.3 million – one-time flexible funding (literacy act, supports, tutoring, etc.), Capital: not included, VA Literacy Act: \$6.7 million in ESSER; looking ahead – 2023 elections; JLARC Report on K-12 Funding: challenges some fundamental funding formulas, LCI is shown to be a relatively good indicator of local ability to pay, budget language creates workgroup to examine JLARC study and make recommendations by November 2024; JLARC Report on Teacher Pipeline: traditional pathways are costly and potential barrier, but generally better prepare teachers, need better data to figure out to improve pipeline; School Health Advisory Committee – meeting September 18; the presentation continued with brief questions and comments regarding teacher salary; language in budget regarding salary increase; waiting for additional guidance and clarity from VDOE; JLARC workgroup; biannual budget; and General Assembly.
- B. Budget Calendar and Revenue Sharing Formula Review: Crystal Pate, Chief Financial Officer shared the Budget Calendar for the FY2024/25 Operating Budget and the 2024/25 – 2029/30 Capital Improvement Program; reviewed some key dates in the calendar; November 21 – a five-year forecast is presented to the School Board and City Council; December 12 – a public hearing is held to solicit stakeholder input for consideration in the development of the Superintendent’s Estimate of Needs document; January – the recommended School Operating Budget and the Capital Improvement Program budget are presented to the Superintendent and the Planning and Performance Monitoring Committee; February 6 – the Superintendent’s Estimate of Needs and the Capital Improvement Program are presented to the School Board; no later than May 15 – the School Board Operating Budget and the Capital Improvement Program budget are approved by the City Council.
- Ms. Pate also presented information on the Revenue Sharing Formula; overview of budgeting basics: under Virginia statute, the budget is developed by the Superintendent for review and approval by the School Board, second approval is required by the City Council before the budget is finalized; VBCPS does not have spending authority unless it is granted through an appropriation by the City Council; an appropriation is the maximum amount of money that can be spent during the fiscal year; schools are not permitted to retain a fund balance, but instead funds lapse at fiscal year end and revert to the source of funds – often referred to as the “reversion process”; reviewed historically notable reference points dates; reviewed current revenue sharing formula points: the City and Schools share the largest least volatile revenue sources, 46.75% of revenue provided to VBCPS and 53.25% retained by City, to request funding above the formula – the School Board must make a formal, written request to the City Council, details steps and process to request “reversion” funds at year-end for re-appropriation; reviewed benefits and challenges of City/School Revenue Sharing Formula; benefits: predictability of resources for long-term planning and priorities, provides flexibility for Schools to allocate future funding between operations and capital, transparency of total local support provided to VBCPS, reduces frictions in budget planning between two independently elected boards, links both City and Schools with economic growth/declines to School funding; challenges: limits flexibility for funding emerging priorities without impacting other entity, does not account for State/Federal aid changes, calculation does not account for changes in demand for services; shared chart of revenue sharing formula comparison with other school districts; recommendation – the administration recommends extending the current Revenue Sharing Formula through June 30, 2025; reasons for recommendation: School Board currently conducting a search for a new Superintendent, there are four new School Board members who began serving on the Board January 1, 2023 which was in the middle of the FY2023/24 budget development process for the division, VBCPS is currently in an interim Public Private Education Act (PPEA) agreement to design three new school facilities.
- The presentation continued with questions and comments regarding extending the current Revenue Sharing Formula; some revenue streams will not be included in LCI; what are the revenue streams; process regarding the Budget Calendar, when voting on; support from the City regarding extending the Revenue Sharing Formula; and clarification on the date of the 5-year forecast – November 21.
- C. Data Allowance for School Board Members: Chair Riggs mentioned the data allowance was discussed during workshop at the last School Board meeting; the request to add \$100.00 a month allowance to offset cost for



technology use on personal home devices to conduct the business of the School Board; a brief discussion on the process to increase the salary of the School Board members; if needs to go to PRC, Bylaw 1-14 governs this; needs to be a Bylaw change; communications allowance is addressed in Bylaw 1-14; consideration of a salary increase; request to add the topic to the PRC meeting agenda for Thursday; effective date of the data allowance; looking forward to continue the discussion regarding School Board salary; need for data allowance; and make the data allowance optional.

- D. School Board Committee Assignments – Sister Cities and VSBA liaison appointments: The recommendation that the School Board approve the School Board Chair’s recommendation for appointment of Beverly Anderson to serve as the School Board liaison to the Virginia Beach Sister Cities Association and for the appointment of Beverly Anderson to serve as alternate to the Virginia School Board Association (VSBA); Chair Riggs mentioned this topic was discussed at the last School Board meeting; Chair Riggs resigned from that position at Sister Cities and is recommending Ms. Anderson to the position; also recommending Ms. Anderson as the alternate for VSBA; Ms. Anderson asked if any other School Board member would like to volunteer for positions; Ms. Franklin inquired about the time commitment for Sister Cities; monthly meetings, time spent on fundraising, Youth Ambassador Event; Ms. Franklin volunteered to be the alternate on the Sister Cities Association; an amendment can be made during the Action item to include Ms. Franklin as the alternate; it was also mentioned to make another amendment during the Action agenda regarding the Data Allowance.
- E. Bylaw 1-28: Governance Committee Matters – Complaint by Citizen: The recommendation that the School Board approve a recommended letter and course of action regarding a citizen’s complaint about comments made after he concluded his public comments to the School Board on June 12, 2023; complaint went to the Governance Committee; Ms. Melnyk read the draft letter; no vote is needed at this time, the letter will be added to the September 26<sup>th</sup> agenda; there was a discussion regarding the letter; concerns with part of the letter about the School Board Clerk will handle all comments to speakers; Bylaws and the duties of the Chair and Vice Chair – pertains to the management of the meeting; Chair Riggs explained the School Board Clerk will welcome the speakers, will be clarified in the letter; disappointed that nobody on the Board is willing to own up the behavior; other complaints have gone to the Governance Committee, some take longer than others to address; should be a private conversation; not comfortable discussing in public.

**13. Return to public comments if needed:** The Public Comments resumed at 9:09 p.m., and concluded at 9:25 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 or reviews of certain policies from its August 10, and August 14, 2023 meetings.
1. Policy 2-48/Salaries and Compensation: The PRC recommended repealing Policy 2-48 because it was readopted at the 6/8/23 School Board Meeting when it had already been deleted in April 2023. The Policy was already adopted and renumbered as Policy 4-35.
  2. Policy 4-7/Nepotism: Employment/Supervision of Relatives: The PRC recommends changes to clear up sentence structure and clarifies the supervision of family.
  3. Policy 4-9/Health Certifications/Medical Examinations/Communicable Disease Awareness/Fitness for Duty: The PRC recommends changes reflecting recent requirements for Food Service Workers.
  4. Policy 4-10/Conditions of Employment: The PRC recommends updating language throughout the policy to reflect recent changes in law.
  5. Policy 4-11/Appointment: The PRC recommends clarifying eligible positions in question and removing the Editor’s Note.
  6. Policy 4-12/Assignment, Reassignment and Transfer: The PRC recommends changing the waiting period for a new employee to request a transfer to after their first evaluation.
  7. Policy 4-13/Contract Period/Calendar Work Days: The PRC recommends a change in the title of the policy to read “Contract Period/Calendar.”
  8. Policy 4-14/Alternative Work Schedules: 12-Month, Non-Instructional Employees: The PRC recommends spelling out VLDP “Virginia Long term Disability Program” and removing the Editor’s Note.
  9. Policy 4-20/Reduction in Force (RIF): The PRC makes no recommended changes. The policy is being reviewed in order to keep it within the 5 year review period.

10. Policy 4-23/Conflict of Interests: The PRC recommends adding language that clarifies the responsibility of current employees regarding contracting with family members and removing the Editor's Note.
  11. Policy 4-33/Investigative Procedures: The PRC recommends changes to make consistent with other recently reviewed policies.
  12. Policy 4-38/Travel Expenditures/Reimbursement: The PRC recommends changes to make consistent with other recently reviewed policies.
  13. Policy 4-42/Property Damage/Reimbursement: The PRC recommends changes to make consistent with other recently reviewed policies.
  14. Policy 4-45/Sick Leave Banks: The PRC recommends changes to make consistent with other recently reviewed policies.
  15. Policy 4-49/Military Service: The PRC recommends changes to make consistent with other recently reviewed policies.
  16. Policy 4-51/Lawsuits and Subpoenas: The PRC recommends making changes to update the title and position of City Attorney to School Board Attorney and other language to make consistent with other recently reviewed policies.
  17. Policy 4-57/Licensed Personnel Contracts: The PRC recommends adding clarifying language from the Virginia Code and updating the Legal References.
  18. Policy 4-65/Meetings and Conferences: The PRC makes no recommended changes. The policy is being reviewed in order to keep it within the 5 year review period.
  19. Policy 4-66/Tutoring for Pay: The PRC recommends adding language that limits offering paid tutoring services by teachers.
  20. Policy 4-67/Investigating/Reporting Alcohol or Drug Use: The PRC recommends separating marijuana from illegal drug use to align with new laws and updating the Legal Reference section reflecting those changes.
  21. Policy 4-68/Reporting Child Abuse or Neglect: The PRC recommends updating language to make consistent with other previously reviewed policies.
  22. Policy 4-70/Licensed Personnel: Teacher Salary Scale: The PRC recommends changing language regarding job related experience.
  23. Policy 4-73/Awards for Achievement and Service: The PRC recommends updating language to make consistent with other previously reviewed policies.
  24. Policy 4-83/Evaluation: The PRC recommends updating language to make consistent with other previously reviewed policies.
  25. Policy 4-85/Meetings, Conferences and Conventions: The PRC recommends updating language to make consistent with other previously reviewed policies.
  26. Policy 4-86/Classified Personnel: Compensation: The PRC makes no recommended changes. The policy is being reviewed in order to keep it within the 5 year review period.
  27. Policy 4-87/Overtime: The PRC makes no recommended changes. The policy is being reviewed in order to keep it within the 5 year review period.
  28. Policy 4-91/Student Teachers: The PRC recommends updating the license renewal period from 5 to 10 years and making changes that are in line with changes made in recently reviewed policies.
  29. Policy 4-92/Summer School Teachers Assignment and Placement: The PRC recommends rewriting the policy to clarify its intent.
  30. Policy 4-97/Administrative Intern and Administrative Assistants: The PRC recommends changing VBCPS reference to School Division and other typographical changes to make more consistent with other previously reviewed policies.
  31. Policy 5-9/Age of Entrance/Kindergarten: The PRC recommends adding clarifying language and a new Legal Reference.
  32. Policy 5-7/Non-discrimination and Non-harassment of Students: Item moved to Action as item #15E. See agenda item #8 – Adoption of the Agenda.
  33. Policy 5-31/Student Records: Item moved to Action as item #15F. See agenda item #8 – Adoption of the Agenda.
- B. Program Evaluation Schedule for 2023-2024: Recommended that the School Board approve the schedule of program evaluations that will be completed by the Office of Planning, Innovation, and Accountability (PIA) during the 2023-2024 school year.

After reading the items on the Consent Agenda, Chair Riggs asked if there were any objections to voting on the Consent Agenda items. Hearing none, Chair Riggs called for a motion to approve the items on the Consent Agenda as presented.

Ms. Brown made the motion, seconded by Ms. Anderson. 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 items on 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 September 12, 2023 personnel report and administrative appointments. Ms. Anderson made the motion, seconded by Ms. Brown that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the September 12, 2023 personnel report along with the administrative appointments as recommended by the Acting Superintendent. Without discussion, Chair Riggs called for a vote to approve the September 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 September 12, 2023 personnel report and administrative appointments. The motion passed unanimously, 11-0-0.  
Donald E. Robertson, Ph.D., Acting Superintendent, mentioned the following: Kimani K. Vaughan, Principal, White Oaks Elementary School as Director, Elementary Schools, Department of School Leadership.
- B. Data Allowance for School Board Members: Chair Riggs called for a motion to approve the request to add \$100 a month allowance to offset cost for technology use on personal home devices to conduct business of the School Board; Ms. Anderson made the motion, seconded by Ms. Owens; Ms. Manning made a substitute motion to send the topic back to PRC for them to consider it under the Bylaw that is appropriate for this matter, Ms. Melnyk seconded the substitute motion; there was a brief discussion regarding bringing it back to PRC – would not be a problem; would like to bring it back for both information and action at the next School Board meeting; additional support to have the item on both information and action at the next meeting. Without further discussion, Chair Riggs called for a vote on Ms. Manning’s substitute motion. The School Board Clerk announced there were eleven (11) ayes in favor of the substitute motion to send the topic back to PRC for them to consider it under the Bylaw appropriate for this matter. The substitute motion passed unanimously, 11-0-0. Chair Riggs mentioned the Data Allowance topic would be on the PRC agenda at their next meeting on Thursday.
- C. School Board Committee Assignments - Sister Cities and VSBA liaison appointments: Chair Riggs called for a motion to approve the School Board Chair’s recommendation for appointments of Beverly Anderson to serve as the School Board liaison to the Virginia Beach City Sister Cities Association and for the appointment of Beverly Anderson to serve as alternate liaison to the Virginia School Board Association; Ms. Anderson made an amendment to the motion, to include Ms. Jennifer Franklin as the alternate for Sister Cities as well, Vice Chair Weems seconded the amendment to the motion. Without discussion, Chair Riggs called for a vote. The School Board Clerk announced there were eleven (11) ayes in a favor of the motion and amendment to add Ms. Franklin as the alternate to Sister Cities. The motion passed unanimously, 11-0-0.
- D. Bylaw 1-28: Governance Committee Matters – Complaint by Citizen: Chair Riggs called for a motion to approve a recommended letter and course of action regarding a citizen’s complaint about comments made after he concluded his public comments to the School Board on June 12, 2023. Ms. Melnyk made a substitute motion that we draft a letter to the citizen to be presented to the Board at the next meeting; Ms. Manning made a point of order, that there is not a motion on the floor so there cannot be a substitute motion; Ms. Melnyk made the following motion – I move that we draft a letter for the citizen in regards to the complaint that was brought forward, Ms. Anderson seconded the motion made by Ms. Melnyk. There was a brief discussion regarding the letter; clarification on the motion – to draft a letter and bring it back to the School Board; Chair Riggs restated for clarification the motion for the Governance Committee has recommended a letter to be drafted to the citizen that is complaining about a School Board member making a comment after their speech on June 12, 2023; the motion is to draft a letter to bring it back to us (School Board) for a vote. Chair Riggs called for a vote on the letter being drafted and being brought back to the School Board at the next meeting. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Franklin, Ms. Manning, Ms. Martin, Ms. Melnyk, and Ms. Owens. There was one (1) nay opposed to the motion: Mr. Culpepper. The motion passed, 10-1-0.
- E. Policy 5-7/Non-discrimination and Non-harassment of Students: See agenda item #8 and #14A32.  
Chair Riggs called for a motion to approve Policy 5-7/Non-discrimination and Non-harassment of Students. Ms. Brown made the motion, seconded by Mr. Culpepper. A discussion followed regarding the policy; noted the language in the policy represents a compromise; intention of Policy 5-7; mentioned the resolution from June 13; legal opinion of Attorney General; Code of Virginia 22.1-23.3; Superintendent or designee is directed develop regulations, practices and trainings related to compliance with the Code of Virginia; not objecting to Policy 5-7, stating that the current

policy directs the Superintendent or designee to make regulations, practices, and trainings related to compliance with the Code of Virginia; need to discuss in workshop or send back to PRC; policy directing the Superintendent to develop regulations, practices, and trainings; leaving out the old Northam policy; fine with policy the way it is; taking out name of previous model policy; does not support policy because of regulations coming out; clarity regarding Policy 5-7 and working on regulations; would passing the policy be helpful for the Superintendent; concerns with regulations; did not adopt Northam's policies in totality; need a level of trust in our Superintendent; clarification on the motion on the floor; Policy 5-7 as presented in the packet with the removal of the old model policy title. Chair Riggs called for a vote on Policy 5-7 as presented. The School Board Clerk announced there were ten (10) ayes in favor of Policy 5-7 as presented: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, Ms. Manning, Ms. Martin, and Ms. Melnyk. There was one (1) nay opposed to Policy 5-7 as presented: Ms. Owens. The motion passed, 10-1-0.

F. Policy 5-31/Student Records: See agenda item #8 and #14A33.

Ms. Manning called a point of order, in which there was no motion on the floor. Before Ms. Brown made a motion regarding Policy 5-31, there was some background information discussed regarding some changes in the policy; definition of parent; student records in the policy; Ms. Anderson called a point of order, questioning the differences between the two versions of Policy 5-31/Student Records which were given to the School Board; Ms. Brown noted the word "identity" is after the word gender on two occasions. Ms. Brown made the following motion – I move that we adopt Policy 5-31 with the following added to Section A:

"Sex" for the purposes of identifying an individual means biological sex.

"Transgender student" means a VBCPS student whose parent has stated in writing that the student's gender identity differs from the student's sex, or an eligible student who states in writing that his or her gender identity differs from his or her sex. Any writing from the eligible student or parent of a minor student shall be memorialized in the student's official record and be subject to the same retention, disclosure, and confidentiality requirements as the official record itself.

Under Section G, the end of the paragraph:

Student records (i.e. birth certificate, Student Information System, final transcript) that require the use of the student's legal name and sex as designated in the students official records, may not be amended unless the eligible student or the parent of a minor student submits a legal document (such as a birth certificate, state or federal issued identification, passport or court order substantiating the change in the student's legal name or sex.

Also from Section A:

"Parent" or "parents" mean any parent, guardian, legal custodian, or other person having control or charge of a child. A child is determined to be a person under the age of eighteen (18) years of age. Students who are "eligible students" or adult students as used by the School Division, have the right to make decisions regarding their records and education.

Ms. Manning seconded Ms. Brown's motion.

A discussion followed regarding Policy 5-31; reasons for definitions; creating policies more consistent with the 2023 policies; trying to bring policies and regulations into compliance; not enough time to review information; Policy 5-31 and regulations; student records; transgender students using restrooms; eighteen-year-old students ability to change name and gender; transgender identity; single-user restroom; need time to review Policy 5-31 and regulation changes. Ms. Martin made a substitute motion to table 5-31 and do a workshop on the (September) 26<sup>th</sup>; Ms. Martin restated the substitute motion to bring Policy 5-31 back to the workshop on September 26<sup>th</sup>, Ms. Owens seconded Ms. Martin's substitute motion.

A discussion followed regarding the substitute motion; voting on something before going back to workshop; mention of the Grimm case; noted the substitute motion is regarding sending the policy back to workshop; there are



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questions that need to be discussed in a workshop; need an understanding of how policy is going to impact regulations; bringing the policy to action at the next meeting; does not want to vote on the policy tonight; Policy 5-31 and the Model Policy; conflict moving forward if not passing Policy 5-31; bringing regulations to the School Board; transparent in the process of developing the regulations with the School Board; resolution from June; need to finish the workshop; would passing the policy be helpful to administration; need to give administration direction; can still discuss regulations even with passing policy – policy and regulations are two different things; Virginia Human Rights Act; the need to finish the workshop; PRC meetings; not supporting substitute motion, need to give direction to administration.

Without further discussion, Chair Riggs asked Ms. Martin to restate the substitute motion – I move to take Policy 5-31 to a workshop and then bring it back for action on September 26, Ms. Owens seconded the motion. Chair Riggs called for a vote on the substitute motion. The School Board Clerk announced there were five (5) ayes in favor of the substitute motion: Chair Riggs, Ms. Anderson, Ms. Martin, Ms. Melnyk, and Ms. Owens. There were six (6) nays opposed to the substitute motion: Vice Chair Weems, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, and Ms. Manning. The substitute motion did not pass, 5-6-0.

Chair Riggs asked Ms. Brown to restate the motion – I move that the Policy 5-31 as previously presented be voted on and be approved tonight, Ms. Manning seconded the motion. A discussion followed regarding the policy; Grimm case; voting on the definitions; Model Policy says we need the definitions; transgender students playing sports, using restrooms; protect female students; use of the words gender and gender identity; language that could adopt into regulations; Human Rights Act; Student Records and Federal Cards; written instruction from parent or eligible student regarding name and pronoun, how we refer to a student, would not change the transcript, report card or student information, see part G of the Policy; definition of transgender student; student rights; nickname; applying definitions to different groups of students (by grade level, K-8, 9-12).

Mr. Culpepper made an amendment motion – I move to amend 5-31 as submitted, in paragraph two where it says, “eligible student” to remove the following six words, “a student attending a post-secondary institution”, under the definition of eligible student. Ms. Manning seconded the amendment. A discussion followed regarding the amendment; clarification on words to be removed; the definition would read...Eligible Student means a student who is 18 years of age or older, or an emancipated student...; defined in Virginia Code; where else does the term “eligible student” come up in policy; throughout other policies; dual enrolled classes; participation at TCC and other institutions; still need to go to workshop; need to set the policy then work on the regulations; the need to take a vote and continue with the workshop. Mr. Culpepper withdrew his amendment, and Ms. Manning agreed.

Without further discussion, Chair Riggs called for a vote on Ms. Brown’s motion. The School Board Clerk announced there were seven (7) ayes in favor of Ms. Brown’s motion: Chair Riggs, Vice Chair Weems, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Franklin, and Ms. Manning. There were three (3) nays opposed to Ms. Brown’s motion: Ms. Anderson, Ms. Melnyk, and Ms. Owens. There was one (1) abstention: Ms. Martin. The motion passed, 7-3-1.

- 16. *Committee, Organization or Board Reports:*** Ms. Franklin announced there is a Gifted CAC advisory meeting, next Monday the 18<sup>th</sup> at 6:30 p.m. at Salem High School.

Chair Riggs adjourned the regular meeting at 10:56 p.m. The School Board took a short recess. Note: Ms. Manning left the meeting at 10:56 p.m.

- 17. *Return to Administrative, Informal, Workshop or Closed Session matters:*** The School Board reconvened at 11:07 p.m. in the Einstein Lab to continue the Workshop.

**2023 Model Policy Work Session:** The workshop continued; Robert Jamison, Ed.S., Executive Director, Office of Student Support Services, mentioned to the School Board items to consider; process to inform parents; shared a scenario; use of names; names can be gender neutral; level of clarification for school staff as to when to notify parents; need to be careful what the matrix looks like – need guardrails; parents rights to know; rules need to be known by all; changing of name, pronoun; the need for consistency from the School Board; parent and student relationship; not trying to keep secrets from parents; situations may put counselors and teachers in a difficult position; language for regulations; would like input from Legal and Dr. Jamison, create something for the School Board to read and review; reviewed parts of the chart

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regarding VDOE 2023 Sample Model Policy and VBCPS Proposed or Existing policies/regulations; need to define terms; mentioned dress codes; need time to complete work; need guidance on certain things; utilizing the PRC for further discussion; coming back on the 26<sup>th</sup> with some more language; the need for clarification on parts of the Model Policy; passing of 5-31, defined transgender students; opt-out for parents regarding notifications – need to be discussed; parent rights; example of divorced parents, custody of child, custodial rights; impact on school personnel; things need to be discussed and clarified; the School Board reviewed the document and commented on areas for clarification; come back to the School Board with information; hold a special meeting on September 25 at 4 p.m. to discuss model policy.

Closed Session: At 12:26 a.m. on Wednesday, September 13, 2023, 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, Paragraphs 2, 7, and 8 as amended, to deliberate on the following matters:

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.
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. Status of pending litigation or administrative cases.
- B. Recommendation of hearing officer for student discrimination complaint.
- C. Student discipline appeal hearing – deliberations as needed.
- D. Consultation with legal counsel regarding probable litigation and pending litigation matters.

Chair Riggs called for a vote. The School Board Clerk announced there were nine (9) ayes in favor of the motion to recess into Closed Session: Chair Riggs, Vice Chair Weems, Ms. Anderson, Ms. Brown, Mr. Culpepper, Ms. Franklin, Ms. Martin, Ms. Melnyk, and Ms. Owens. Note: Mr. Callan was not present during the vote to go into Closed Session but joined the Closed Session at 12:29 a.m.

The School Board recessed into Closed Session at 12:29 a.m.

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

- B. Recommendation of hearing officer for student discrimination complaint; and
- C. Student discipline appeal hearing – deliberations as needed: 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; Donald E. Robertson, Ph.D., Acting Superintendent; and Regina M. Toneatto, School Board Clerk.

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D. Consultation with legal counsel regarding probable litigation and pending litigation matters: 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; Donald E. Robertson, Ph.D., Acting Superintendent; and Regina M. Toneatto, School Board Clerk.

A. Status of pending litigation or administrative cases: 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; Donald E. Robertson, Ph.D., Acting Superintendent; and Regina M. Toneatto, School Board Clerk.

The School Board reconvened at 12:59 a.m., on Wednesday, September 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.

Ms. Melnyk made the motion, seconded by Ms. Brown for Certification of Closed Session. Chair Riggs called for a vote. The School Board Clerk announced there were ten (10) 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. Martin, Ms. Melnyk, and Ms. Owens. The motion passed, 10-0-0.

Chair Riggs read the following resolution to be voted upon:

#### RESOLUTION

##### STUDENT DISCRIMINATION APPEAL 9/12/23

**WHEREAS**, the parent of a Tallwood High School student filed a racial discrimination complaint in accordance with School Board Policy 5-7 regarding comments made by a staff member to her student in February and March 2023; and

**WHEREAS**, the School Administration conducted a discrimination investigation and determined that there was insufficient evidence of a violation of Policy 5-7 however, the staff member's actions did not support an inclusive environment and the staff member's actions violated other policies and regulation; and

**WHEREAS**, the parent of the Tallwood High School Student appealed that determination and the School Board assigned the discrimination appeal to a Hearing Officer to conduct a hearing and provide written findings of fact and a recommendation to the School Board; and

**WHEREAS**, the Hearing Officer rendered his findings of fact and recommendation on August 31, 2023; and

**WHEREAS**, on September 12, 2023 the School Board reviewed the Hearing Officer's Findings of Fact and recommendation.

#### **NOW, THEREFORE, IT IS DETERMINED**

1. That the School Board adopt the August 31, 2023 Findings of Fact and Recommendation of the Hearing Officer that there insufficient evidence of a violation of Policy 5-7.
2. That the School Administration is ordered to notify the student and parents of this decision and to place a copy of this decision, the supporting documentation, and any recording of the hearing in the student's official files.

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

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Chair Riggs made the motion, seconded by Ms. Brown. Chair Riggs called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion for the Resolution – Student Discrimination Appeal 9/12/23: 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.

**18. Adjournment:** Chair Riggs adjourned the meeting at 1:03 a.m., on Wednesday, September 13, 2023.

Respectfully submitted:

\_\_\_\_\_  
Regina M. Toneatto, Clerk of the School Board

Approved:

\_\_\_\_\_  
Trenace B. Riggs, School Board Chair