



School Board Services

**Kimberly A. Melnyk, Chair**  
District 2

**Jennifer S. Franklin, Vice Chair**  
District 2 – Kempsville

**Beverly M. Anderson**  
At-Large

**Kathleen J. Brown**  
District 10

**Michael R. Callan**  
District 6

**David Culpepper**  
District 8

**Victoria C. Manning**  
At-Large

**Staci R. Martin**  
District 4

**Jessica L. Owens**  
District 3 – Rose Hall

**Trenace B. Riggs**  
District 1 – Centerville

**Carolyn D. Weems**  
District 9

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

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**School Board Regular Meeting MINUTES**  
**Tuesday, February 13, 2024**

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**School Administration Building #6, Municipal Center**

2512 George Mason Drive  
P.O. Box 6038  
Virginia Beach, VA 23456  
(757) 263-1000

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- 1. Administrative, Informal, and Workshop:** Chair Melnyk convened the Administrative, Informal, and Workshop session at 3:02 p.m. on the 13<sup>th</sup> day of February 2024.

In addition to Superintendent Robertson, the following School Board members were present in the School Administration Building #6, School Board Chamber: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning (arrived at 4:42 p.m. during the Closed Session), Ms. Riggs, and Ms. Weems. The following School Board member attended via Zoom: Ms. Owens.

Chair Melnyk noted 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 VBTV Channel 47, and on Zoom; welcomed members of the public both in person and online.

**A. School Board Administrative Matters and Reports\***

**\*Special Presentation of Appreciation to School Board:** There was a special presentation to the School Board in honor of School Board Appreciation Month; cheerleaders from Tallwood High School performed cheers for the School Board members.

- B. Sustainable Schools:** Ryan Hersey, Sustainability Officer, Facilities Services, provided the School Board an update on the Environmentally Sustainability Progress and Practices of Advancing our Sustainable Building Infrastructure; triple bottom line – environmental, economic, social; advance our sustainable building structure, integrate sustainable practices throughout the school division, educate about sustainability; reviewed timeline; mentioned Policy 3-67; presentation focus: facilities and maintenance; VBCPS average cost per kilowatt hour (kWh): 2006: 7.42 cents, 2023: 12.93 cents, increased by 74.0%; VBCPS electricity use – since 2006, VBCPS has reduced electricity use by 34.6%; shared comparison of three high schools use (kWh/SF); shared graph of Ocean Lakes Elementary electricity use and cost over time: cost 2006: \$92,010, cost 2013: \$112,636, 2007 – HVAC, windows, geothermal & energy performance contracting, 2020 – energy performance contracting, 2021 – solar installation, cost 2023: \$55,894; reviewed VBCPS electricity use and cost over time graph, reduced use, actual cost approximately \$15 million, estimate of what costs would/might have been – approximately \$27 million; trend of savings over time.

The presentation continued with brief comments and questions regarding LED costs; solar panels; maintenance costs; sustainable initiatives; solar panels on buildings with newer roofs; mentioned schools with solar panels (Ocean Lakes Elementary, Renaissance Academy, Princess Anne Middle School, Thoroughgood Elementary); and an additional four schools getting solar panels.

- C. Chronic Absenteeism Update:** Matthew Delaney, Chief Schools Officer, and Robert Jamison, Executive Director of Student Support Services provided the School Board information on national trends about chronic absenteeism, how Virginia has identified chronic absenteeism as a focus area, and how VBCPS is strategically

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addressing chronic absenteeism; Mr. Delaney started the presentation and mentioned Dr. Teri Breux (former principal at Bettie F. Williams, currently Director of Elementary School Leadership), Mrs. Sham Bevel (principal at Bayside 6<sup>th</sup>), and Mr. Troy Walton (principal at Bayside High School) were present and available to answer questions; reviewed definition of chronic absenteeism – missing 10% or more of the academic year for any reason, including excused absences, unexcused absences, and suspensions; key points: chronic absenteeism is a national issue, Virginia has identified it as a focus area, existing policies and practices, adding new strategies, our schools continue to work hard to address; national issue – impact on students: less likely to read at grade level by the end of 3<sup>rd</sup> grade, four times more likely to drop out of high school than their peers; traditional causes (illness, lack of transportation, housing mobility, academic struggles), new variable – parents’ lower threshold for missing school; state level – Virginia has identified it as a focus area, chronic absenteeism data collected by the state as early as 2015-2016, included in the state accreditation system in 2017-2018, performance levels - Level 1: 15% or lower, Level 2: between 16% and 24%, Level 3: 25% or higher, Attendance Matters campaign and state-level task force.

Mr. Jamison continued the presentation; mentioned Regulation 5-17.1,A – Absences/Truancy/School and Class Attendance – Grades K-12; absence defined: at the elementary and middle school level, if a student does not attend school for at least a portion of the day, he/she is counted absent; at the high school level, absences are computed for each class, at the middle school level, absences are computed for each credit course, a student who misses more than 15 minutes of any class will be counted absent for that class; Regulation 5-17.1,G – Excessive Absences – VBCPS; actions when students start to accrue absences: phone calls home, attendance letters, conferences, corrective action plans, Student Response Team meetings, attendance contracts, etc.; during 2022-2023 school year, secured a dedicated docket for truancy cases; adding new strategies to address issue: 2023-2024 Strategic Action Agenda - using integrated systems of support to meet student needs, EveryDay Labs – to increase communications with families through mail and text messages, new program: Attendance Ambassadors – 1 coordinator and 10 ambassadors assigned to Level 3 schools; first meeting with Attendance Ambassadors was February 8; VDOE All-In Funds are being used to fund both EveryDay Labs and the Attendance Ambassadors; overview of approaches used in some schools to address chronic absenteeism; reviewed how you can help: School Board members – be aware of policies and regulations, help constituents with school-age children understand why attendance matters, connect families in need with school and school division staff for support; families – prepare your child for academic success by making sure they are in school when they are not sick, notify the school by phone or email on the day of your child’s absence, know that frequent absent students fall behind in critical reading and math skills; students – speak with your parents, teachers, counselors, and administrators if you need support, recognize the importance of attending school, develop personal goals for school attendance.

The presentation continued with questions and comments regarding number of schools at Level 1, 2, and 3; impact on students present/not absent – how instruction provided, remediation, limits other instruction; absenteeism and accreditation; resources to help with absenteeism; schools sharing helpful practices; data driven; and percentage of chronic absenteeism.

- D. Budget/CIP Workshop #1: Crystal Pate, Chief Financial Officer provided the School Board information and updates on the budget development process and have answers to any questions addressed by the Budget Development team; reviewed the presentation agenda: questions from School Board members, revenue sharing formula (RSF) update, PPEA update; noted did not receive any questions from School Board members; update to the revenue sharing formula: City budget staff provided an updated RSF estimate on February 8, the amount is an increase of \$1,518,995 over what was presented in the SEON, possible revenue reduction pending determinations concerning the real estate tax rate.

Mr. Jack Freeman, Chief Operations Officer, continued the presentation; provided an overview: big picture – have been on a status quo CIP path: design-bid-build, adopted CIP, interim agreement enabled final evaluation of PPEA suitability for VBCPS, schedule of past updates to the School Board and City Council, schedule of work during interim agreement, delivery of guaranteed maximum price (GMP), School Board meeting update Jan. 23, 2024; overview of PPEA timeline: June 4, 2021 – unsolicited proposal received by S.B. Ballard Construction Co. (SBBCC), August 24, 2021 – Board authorized acceptance of SBBCC unsolicited proposal, December 20, 2021 – conceptual proposal received, March 18, 2022 – requested detailed proposals



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received, June 28, 2022 – have negotiated an Interim Agreement with SBCC for 12 months of design work with public input not to exceed \$15,404,544, August 9, 2022 – resolution to approve School Board enter into an Interim Agreement for design work for PAHS, Williams ES/Bayside 6<sup>th</sup> Grade, and Bayside HS, July 5, 2022 – City Council briefed on PPEA process, February 28, 2023 – at School Board workshop, staff reviewed the PPEA, during Action, the Board reaffirmed support for the Interim Agreement, March 7, 2023 – City Council approved the PPEA Interim Agreement, January 9, 2024 – the School Board received information regarding the educational specifications process or the three replacement schools' design being conducted as part of the PPEA Interim Agreement design process, January 23, 2024 – the School Board received the guaranteed maximum price (GMP) for the PPEA; financial analysis: funding analysis – appropriations, cash and bond pay back analysis – debt services, expenditure timing – cash flow; moving forward: discussions about scalable options – process ended before scalable options process; options: Interim Agreement runs its course – no action needed, terminate the Interim Agreement, direct staff to pursue one or two projects under PPEA; staff needs guidance for how the Board wishes to proceed.

Ms. Pate concluded the presentation with reminders to email questions to Dr. Robertson, Crystal Pate, and all School Board members; submit questions by Friday each week to provide answers before the next Tuesday. The presentation continued with questions and comments regarding Panorama contract; abatement funds; general revenue funds; recovery school; support from other divisions for recovery school; funds to support recovery school; vaping detectors and cost; Virginia House Bill 696; motion in formal meeting regarding funds for recovery school; reversion funds; PPEA; scalable options; CIP budget; design-bid-build; and direction on PPEA.

2. **Closed Session:** At 4:25 p.m. Vice Chair Franklin made the following motion, seconded by Ms. Anderson 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 1, 2, 3, 7, 8 and 29 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. 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.
  3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
  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.

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29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Namely to discuss:

- A. Status of pending employee discipline cases and complaints.
- B. Discussion with staff regarding status of certain matters related to real property related to educational services.
- C. Discussion and legal advice concerning PPEA related projects.
- D. Status of pending student cases and complaints.
- E. Decision on student discrimination complaint.
- F. Status of pending litigation or administrative cases.
- G. Consultation with legal counsel regarding probable litigation and pending litigation matters.
- H. Application and interview questions for appointment process.

Chair Melnyk 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 Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 9-0-0. Note: Ms. Owens did not attend the Closed Session since she was participating via Zoom.

The School Board recessed into Closed Session at 4:29 p.m.

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

- B. Discussion with staff regarding status of certain matters related to real property related to educational services: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; Jack Freeman, Chief Operations Officer; Melisa Ingram, Executive Director, Office of Facilities Services; and Regina M. Toneatto, School Board Clerk.
- C. Discussion and legal advice concerning PPEA related projects: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; Jack Freeman, Chief Operations Officer; Melisa Ingram, Executive Director, Office of Facilities Services; and Regina M. Toneatto, School Board Clerk.

School Board member, Ms. Manning joined the Closed Session at 4:42 p.m.

At 5:07 p.m., Jack Freeman, Chief Operations Officer and Melisa Ingram, Executive Director, Office of Facilities Services left the Closed Session.

- G. Consultation with legal counsel regarding probable litigation and pending litigation matters: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; and Regina M. Toneatto, School Board Clerk.
- F. Status of pending litigation or administrative cases; and
- D. Status of pending student cases and complaints: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; and Regina M. Toneatto, School Board Clerk.

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- A. Status of pending employee discipline cases and complaints; and
- E. Decision on student discrimination complaint: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; and Regina M. Toneatto, School Board Clerk.
  
- H. Application and interview questions for appointment process: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; and Regina M. Toneatto, School Board Clerk.

The School Board reconvened at 5:28 p.m.

Certification of Closed Session: Vice Chair Franklin 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.

Mr. Callan made the motion, seconded by Mr. Culpepper. Chair Melnyk called for a vote. The School Board Clerk announced there were seven (7) ayes in favor of the motion for Certification of Closed Session: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Mr. Callan, Mr. Culpepper, Ms. Riggs, and Ms. Weems. There was one (1) nay opposed to the motion for Certification of Closed Session: Ms. Brown. There was one (1) abstention for the Certification of Closed Session: Ms. Manning. The motion passed: 7-1-1.

- 3. **School Board Recess**: Chair Melnyk adjourned the Administrative, Informal, and Workshop session at 5:30 p.m.
- 4. **Formal Meeting** (School Administration Building #6 – School Board Room) ..... **6:00 p.m.**
- 5. **Call to Order and Roll Call**: Chair Melnyk convened the meeting of the School Board at the School Administration Building #6, School Board Chamber at 6:00 p.m. on the 13th day of February 2024 and thanked the members of the public joining the meeting in person and online.  
In addition to Superintendent Robertson, the following School Board members were present in the School Administration Building #6, School Board Chamber: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Riggs, and Ms. Weems. The following School Board member attended via Zoom: Ms. Owens.
- 6. **Moment of Silence followed by the Pledge of Allegiance**
- 7. **Student, Employee and Public Awards and Recognition**
  - A. Crossing Guard Recognition: The School Board recognized the remarkable dedication and service of our school crossing guards; the School Board recently recognized Feb. 7, 2024 as School Crossing Guard Appreciation Day.
  - B. School Board Clerk Appreciation – Special Presentation from Board and Superintendent: The School Board and Superintendent Robertson recognized Regina M. Toneatto, School Board Clerk and Susan L. Keipe, School Board Deputy Clerk in honor of VSBA School Board Clerk Appreciation Week, Feb. 12-16, 2024.

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- C. Code of Ethical and Professional Conduct for Members of the School Board of the City of Virginia Beach Signing: The School Board signed their Code of Ethical and Professional Conduct; individual School Board members stepped down from the dais for a public signing.
- 8. Adoption of the Agenda**: Chair Melnyk requested the following modification, to add the resolution for School Board Clerk Appreciation Week to the Consent Agenda – item #15G; Ms. Brown requested to add a motion related to the PPEA to Action Agenda – item #16D; Ms. Weems requested to add abatement settlement funds to Action Agenda – item #16E; Mr. Culpepper requested to move Consent Agenda item #15E – Gifted Resource Cluster Program: Comprehensive Evaluation Recommendations to Action Agenda – item #16F. Chair Melnyk reviewed the agenda modifications: Action item #16D – A Motion for Action related to the PPEA, Consent item #15G – Resolution for School Board Clerk Appreciation, Action item #16E – Abatement Settlement Funds, and Action item #16F – Gifted Resource Cluster Program; Chair Melnyk called for any additional modifications. Hearing none, Chair Melnyk called for a motion to approve the agenda as presented and modified. Mr. Culpepper made the motion, seconded by Ms. Owens. Without discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were nine (9) ayes in favor of the motion to approve the agenda as presented and modified: Chair Melnyk, Vice Chair Franklin, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. There was one (1) nay opposed to the motion to approve the agenda as presented and modified: Ms. Anderson. The motion passed, 9-1-0.
- 9. Superintendent’s Report (second monthly meeting) and recognitions (first and second monthly meetings)**: There was no Superintendent’s Report presented at the meeting. Administrative Recognitions – Superintendent Robertson, introduced the following appointments which were approved at the January 23, 2024 School Board meeting: Christine A. McCune, Administrative Assistant, John B. Dey and Thoroughgood Elementary Schools as Assistant Principal, Holland Elementary School; Teri A. Breaux, Ed.D., Principal, Bettie F. Williams Elementary School as Director of Elementary Schools, Department of School Leadership; and Abigail J. Dougherty, Senior Customer Success Manager and Senior Dedicated Success Manager, LETRS as Coordinator, PreK-12, Department of Teaching and Learning.
- 10. Approval of Meeting Minutes**
- A. January 23, 2024 Mini-Retreat/Regular School Board Meeting: Chair Melnyk called for any modifications to the January 23, 2024 mini-retreat/regular School Board meeting minutes as presented. Hearing none, Chair Melnyk called for a motion to approve the January 23, 2024 minutes as presented. Ms. Brown made the motion, seconded by Ms. Riggs. Without discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion to approve the January 23, 2024 minutes as presented: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.
- 11. Public Hearing on Proposed School Operating Budget FY 2024/25 and Capital Improvement Program for FY2024/25 - FY2029/30**: There were four (4) in person speakers and two (2) online speakers for the Public Hearing; items discussed were PPEA; SEON and CIP budget; revenue sharing formula; pay raises for employees; central office staff; streamline; mental health issues; Virtual Virginia; cuts to programs; interim agreement (PPEA) and cost (\$15 million); new construction; building maintenance, and sustainability of buildings.
- 12. Public Comments (until 8:00 p.m.)**  
There were eight (8) in person speakers (including one (1) student speaker) and two (2) online speakers; topics discussed were support for CTE courses; real-life experiences; FBLA (Future Business Leaders of America); gifted services; top heavy administration; gifted resource teachers; ODS; students’ rights; LGBTQ students; transgender students; students need to feel safe; school calendars; instructional hours verses instructional days; pre and post labor day calendars; Election Day; Policy 6-13; VBEA calendar options; staff days; teachers leaving; number of students in district; State funding; 180 day calendars; best wishes and thanks to Ms. Martin for serving on the School Board; Ms. Manning and not running for re-election; and doing the right thing for students.

The Public Comments concluded at 7:06 p.m.



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### 13. Information

- A. Policy Review Committee (PRC) Recommendations: That the School Board review Policy Review Committee (PRC) recommendations regarding review, amendment, and repeal of certain bylaws and policies as reviewed by the PRC at its January 18, 2024 meeting. School Board Attorney, Kamala H. Lannetti presented the following:
1. Bylaw 1-9/Qualifications: The PRC recommends changes to align with the recent federal district court decision made regarding voting districts in Virginia Beach and to more clearly explain the expectations laid out in this Bylaw; there was a brief discussion regarding Bylaw 1-9; pending lawsuits; formation of districts; Bylaw subject to change based on outcome of lawsuits; training required of School Board members; language from code section; Oath of Office; and swearing in.
  2. Policy 6-60/Textbooks: The PRC recommends changes made to align with current School Division practices and update the Legal Reference section; there was a brief discussion regarding Policy 6-60; free textbooks and sale of textbooks in policy.
  3. Policy 6-67/Social Work Services: The PRC recommends minor scrivener's changes as necessary.
  4. Policy 6-79/Homebound Services: The PRC recommends updating the Editor's Notes to align with current School Division Guidelines.
- B. Old Donation School Selection Process: Crystal Lewis-Wilkerson, Ed.D., Director K-12 Gifted Program, provided the School Board information regarding a proposed amendment of the Local Plan for the Education of the Gifted (Old Donation School Selection Process); provided time for School Board members to read each of the amendment changes slides; brief overview of the proposed amendment changes - proposed amendment 1 - The committee uses a numerical rating scale to complete a holistic evaluation of the applicants and rate them by their rating scores. No single criterion determines an applicant's rating, and there is no guarantee a specific rating will result in enrollment at ODS....and record an individual rating...When the number of students receiving the highest rating (e.g., 5-5-5) exceeds the number of open seats, all students with the highest rating will be placed in an applicant pool from which a random selection will occur; proposed amendment 2 – updated modified 5 point scale, 5 – exceptionally strong in all the application components, 1 – does not demonstrate strengths in most areas; may not be successful in program; proposed amendment 3 - When the number of students receiving the highest rating (e.g., 5-5-5) exceeds the number of open seats, all students with the highest rating will be placed in an applicant pool from which a random selection will occur; proposed amendment 4 – removal of parent information, addition of performance based task (Grade 1 only); proposed amendment 5 - ...eligibility for enrollment in the gifted program at ODS. The presentation continued with questions and comments regarding 5-point scale; parent information component; suggested language of “limited” selection in amendment 1; enrollment and seats available; deeper rating of students; new rating scale; smart verses giftedness; gifted in all schools, educating all our gifted students; development of next 5-year plan; suggestion of cluster or satellite school; and funding/budget.
- C. Calendar Recommendation for 2024-2025: Matthew Delaney, Chief Schools Officer, provided the School Board information regarding the 24-25 school calendar process; reviewed purpose of the presentation – review the new calendar options requested by the School Board during the informational presentation on January 23, 2024; overview of the January 23 presentation – provided an overview of the calendar development process, shared results from the 2024-25 calendar survey, provided a review of preferred calendar option and an alternative option; mentioned Policy 6-12 and Policy 6-13; reviewed month-by-month the three calendar options (Pre-Labor Day 179 Day, Pre-Labor Day 180 Day; Post-Labor Day 179 Day).

Summary of Pre-Labor Day 179 Day option: Staff returns on Friday, August 16, six staff days for in-service week, students return on Monday, August 26, staff day on Monday, October 7, staff day on Friday, November 1, flex day for staff on Tuesday, November 5 (Election Day), holiday for students and staff on the Wednesday prior to Thanksgiving, two-week winter break, two staff days at the end of January, staff day on Monday, March 10, final day for students on Friday, June 13, flex day (staff) after on Monday, June 16.



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Summary of Pre-Labor Day 180 Day option: Staff returns on Friday, August 16, six staff days for in-service week, students return on Monday, August 26, staff day on Monday, October 7, staff day on Friday, November 1, flex day for staff on Tuesday, November 5 (Election Day), holiday for students and staff on the Wednesday prior to Thanksgiving, two-week winter break, two staff days at the end of January, final day for students on Friday, June 13, flex day (staff) on Monday, June 16.

Summary of Post-Labor Day 179 Day option: staff returns on Wednesday, August 21, eight staff days for in-service week, students return on Tuesday, September 3, staff day on Tuesday, November 5 (Election Day), holiday for students and staff on the Wednesday prior to Thanksgiving, two-week winter break, one staff day at the end of January, final day for students on Friday, June 13, flex day (staff) on Monday, June 16.

The presentation continued with questions and comments regarding length of quarters; flex days; adjusted dismissal days; flex days, staff days end of school year; 180 days – maximize instruction, shouldn't go below 180 days; possibility of a 2-year calendar; post and pre labor day options; option of a Post-Labor Day 180 Day calendar; concerns for last week of school, everyday should have instruction; survey and data; summer training options for teachers, much is asynchronously; time for professional learning; in the past, previous number of calendar days – 183; teacher retention (nationwide issue); options for 180 day Pre-Labor Day and Post-Labor Day; and calendar options in agenda packet for February 20 Special School Board meeting.

- D. School Board Committee Assignment Modifications for term ending June 30, 2024: Chair Melnyk reviewed the list of committee assignments for the term ending June 30, 2024; changes due to the resignation of School Board member, Ms. Martin; Internal Audit – Ms. Riggs will be placed on the committee, Chair Melnyk noted there is one meeting left in April, Chair Melnyk will stay on committee as an ex-officio position to complete the auditor's evaluation; Planning and Performance Monitoring Committee – Chair Melnyk will fill in when those meetings occur; noted that the Internal Audit Chair will also need to serve on the Governance Committee until June 30; Legislative Committee – Ms. Manning and Ms. Riggs will be placed on the committee; Student Discipline – Chair Melnyk and Vice Chair Franklin will fill in for the Committee I which meets on Monday for student discipline hearings; Workforce Development Committee has one more meeting and Ms. Weems will complete that work; Ms. Weems will continue on the Jericho Road Ad Hoc Committee; Mr. Callan will continue with the Adult Education Advisory Committee; Strategic Plan Committee – Mr. Callan and Ms. Anderson; reassignment of committees will take place in July.

The presentation continued with questions and comments regarding Jericho Road Committee, planning on meeting in March, requesting a second member on the committee; Workforce Development – presentation to School Board end of March, one more meeting in February, request to add Ms. Brown to the committee; Ms. Brown to be added to both Jericho Road Ad Hoc Committee and Workforce Development Committee; noted need to remove the Mayor's Committee for Persons with Disabilities; PPMC, consideration of committee, repetitive of committee, committee utilized to help develop budget, think about the purpose of PPMC, discuss in June; thinking about budget all year; PPMC helpful as a new School Board member; input from staff regarding the PPMC and workload; dates for presentations to the School Board did not line up with PPMC meeting dates; value to staff – additional feedback on PPMC presentations; and discussion regarding budget priorities in July.

**14. Return to public comments if needed:** As noted under Agenda item #12, Public Comments concluded at 7:06 p.m.

**15. Consent Agenda:** Chair Melnyk read the following items on the Consent Agenda:

A. Resolutions:

1. Special Resolution for School Board Member – Staci Martin: Recommended that the School Board approve the Resolution honoring Staci Martin, School Board Member District 4, upon her resignation from office.
2. Student Leadership Week: Recommended that the School Board approve a resolution recognizing February 18-24, 2024, as Student Leadership Week.





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- B. Policy Review Committee (PRC) Recommendations: Recommended that the School Board approve Policy Review Committee (PRC) recommendations regarding review, amendment, and repeal of certain bylaws and policies as reviewed by the PRC at its December 14, 2023 meeting.
1. Policy 4-66/Tutoring for Pay: The PRC recommends adding “private” tutoring in order to not cause confusion with All In Tutoring.
  2. Policy 6-20/Division Curriculum: The PRC recommends minor changes made to the Policy.
  3. Policy 6-21/Curriculum Committees: The PRC recommends changing “objectives and curriculum guides” curriculum, as it encompasses all the extra language that is unnecessary. “As appropriate” was also added and will not change the textbook review process by the public.
  4. Policy 6-22/Scope and Sequence: The PRC recommends Scrivener’s changes as necessary.
  5. Policy 6-24/Addition and Deletion of Courses and Programs: The PRC recommends changes proposed because VDOE does not offer guidance on all the courses VBCPS offers.
  6. Policy 6-25/Evaluation of the Curriculum: The PRC recommends Scrivener’s changes as necessary.
  7. Policy 6-32/Health and Physical Education: The PRC recommends Scrivener’s changes as necessary.
  8. Policy 6-34/Technical and Career Education: The PRC recommends Scrivener’s changes as necessary.
  9. Policy 6-35/Title I Programs: The PRC recommends updates related to grant requirements.
  10. Policy 6-37/World Languages: The PRC recommends changes presented are to make the policy easier to read.
  11. Policy 6-38/Core Content Areas: The PRC recommends changes from administration.
  12. Policy 6-39/Mathematics: The PRC recommends Scrivener’s changes as necessary.
  13. Policy 6-42/Social Studies: The PRC recommends Scrivener’s changes as necessary.
  14. Policy 6-43/Art, Music, and Theater Arts Programs: The PRC recommends changes made are to align with language that is currently being used and scrivener’s changes as necessary.
  15. Policy 6-44/School Counseling: The PRC recommends Scrivener’s changes as necessary.
  16. Policy 6-45/Theme-Based Academies: The PRC recommends Scrivener’s changes as necessary.
  17. Policy 6-57/International Travel: The PRC recommends no changes to this Policy.
  18. Policy 6-83/Non-School Division (VBCPS) Sponsored Educational Courses: The PRC recommends no proposed changes to this Policy.
  19. Policy 6-86/Naval Junior Officers Training Corps (NJROTC): The PRC recommends no proposed changes to this Policy.
  20. Policy 6-87/Governor’s School for the Arts: The PRC recommends scrivener’s changes to this Policy.
- C. Religious Exemption(s): Recommended that the School Board approve Religious Exemption RE-23-16 and RE-23-17.
- D. Energy Performance Contract: Recommended That the School Board approve a motion authorizing the Superintendent to execute an energy performance contract with Noresco in the amount of \$2,384,763. This contract authorizes the construction phase of the process. Facilities included in this project are Shelton Park Elementary School, Tallwood High School and Holland Road Annex. Recommended work includes lighting and building envelope improvements.
- E. Gifted Resource Cluster Program: Comprehensive Evaluation Recommendations: (Note: item moved to Action agenda item #16F; see adoption of the agenda item #8)
- F. Textbook Adoptions:
1. AP Japanese: Recommended that the School Board approve the following high school textbook as recommended by the Japanese Textbook Adoption Committee for implementation in the fall of 2024.

Course Title	Textbook	Publisher	Copyright
AP Japanese	<i>Dekiru! An Ap Japanese Preparation Course (1st Ed.)</i>	Cheng & Tsui	2021

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2. K-3 Elementary Language Arts: Recommended that the School Board approve the following elementary language arts textbook for grades kindergarten through third as recommended by the Elementary Language Arts Textbook Adoption Committee for implementation in the fall of 2024.

Course Title	Textbook	Publisher	Copyright
Language Arts K-3	<i>Into Reading</i>	<i>Houghton Mifflin Harcourt</i>	2020

- G. Resolution for School Board Clerk Appreciation (Note: item was added during Adoption of the Agenda; see agenda item #8): Recommended that the School Board approve a resolution recognizing VSBA School Board Clerk Appreciation Week, Feb. 12-16, 2024.

Chair Melnyk called for any objections from the School Board voting on the Consent Agenda items. Hearing none, Chair Melnyk called for a motion to approve the Consent Agenda as presented. Ms. Riggs made the motion, seconded by Vice Chair Franklin. Before the vote, Chair Melnyk asked the resolutions to be read.

Ms. Owens read the following resolution:

**RESOLUTION**  
**STACI MARTIN, SCHOOL BOARD MEMBER – DISTRICT 4**

**WHEREAS**, Virginia Beach City Public Schools, in partnership with the entire community, will empower every student to become a life-long learner who is a responsible, productive and engaged citizen within the global community; and

**WHEREAS**, through the governance and oversight of the School Board of the City of Virginia Beach and the leadership of the Superintendent and staff, Virginia Beach City Public Schools is a world class School Division that continually strives to chart the course for our students; and

**WHEREAS**, School Board Members have vital roles in preparing Virginia Beach City Public School students to be future leaders in our community and the world and work tirelessly to address those needs; and

**WHEREAS**, Staci Martin, has served with high distinction and outstanding dedication on the School Board of the City Virginia Beach, Virginia as the School Board Member from January 1, 2023 through February 13, 2024; and

**WHEREAS**, during her tenure as a School Board Member, Staci Martin has served on School Board Committees and Advisory Boards and has shared her exceptional understanding of the needs of nontraditional learners, career and technical education, higher education, workforce development, and regional workforce needs; and

**WHEREAS**, her participation has enhanced the School Board's efforts, in partnership with the entire community, to empower every student to become a life-long learner who is a responsible, productive and engaged citizen within the global community.

**NOW, THEREFORE, BE IT**

**RESOLVED**: That the School Board of the City of Virginia Beach commends and extends its grateful appreciation to Staci Martin, School Board Member District 4, for a job well done; and be it

**FURTHER RESOLVED**: That a copy of this Resolution be spread across the official minutes of this School Board; and be it

**FINALLY RESOLVED**: That this original resolution be presented to Staci Martin, School Board Member District 4, in recognition of her service.

This Resolution is to be adopted by the School Board of the City of Virginia Beach this 13th day of February 2024.



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Mr. Callan read the following resolution:

**RESOLUTION  
Student Leadership Week  
Feb. 18-24, 2024**

**WHEREAS**, Virginia Beach City Public Schools sponsors student leadership activities in order to provide students with vital experience in exercising a voice in matters of common concern, reconciling diverse interests, and selecting leaders; and

**WHEREAS**, student leaders are a positive influence on their peers, modeling good character and scholarship in and out of the classroom, and serve as change agents to improve the overall climate and academic performance levels of their schools, their division and their city; and

**WHEREAS**, student leaders do not automatically develop sound leadership skills and require trained, dedicated mentors and advisers to help them develop the essential characteristics of a leader and to provide the positive experiences necessary to becoming effective leaders; and

**WHEREAS**, the support of school administrators and faculty, parents and community members is necessary to help ensure the successful education of all emerging student leaders;

**WHEREAS**, Student Leadership Week serves as an ideal time to bring attention to the important and integral contributions that student leaders and all student activities make in our nation’s schools;

**NOW, THEREFORE, BE IT**

**RESOLVED:** That the School Board of the City of Virginia Beach, officially recognizes the last full week of February as “Virginia Beach City Public Schools Student Leadership Week” in support of National Student Leadership Week; and be it

**FURTHER RESOLVED:** That the School Board of the City of Virginia Beach encourages all citizens to seek opportunities to recognize student leaders in our schools and support their training and activities as they prepare themselves for their future stations as leaders of our city, state and nation; and be it

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

Adopted by the School Board of the City of Virginia Beach this 13th day of February 2024

Ms. Manning read the following resolution:

**RESOLUTION  
VSBA School Board Clerk Appreciation Week  
Feb. 12-16, 2024**

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

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

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

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

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

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

**WHEREAS**, the VSBA Board of Directors recognizes the third week of February as School Board Clerk Appreciation Week in the Commonwealth of Virginia;

**NOW, THEREFORE, BE IT**

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

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

Adopted by the School Board of the City of Virginia Beach this 13th day of February 2024

After the resolutions were read, Chair Melnyk called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion to approve the Consent Agenda as presented: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

**16. Action**

- A. Personnel Report / Administrative Appointments: There were no administrative appointments. Chair Melnyk called for a motion to approve the February 13, 2024 personnel report and administrative appointments of which there were none. Ms. Anderson made the motion, seconded by Ms. Riggs that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the February 13, 2024 personnel report. Without discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion to approve the February 13, 2024 personnel report and administrative appointments: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.
- B. Policy Review Committee (PRC) Recommendations: Recommended That the School Board approve Policy Review Committee (PRC) recommendations regarding review, amendment, and repeal of certain bylaws and policies as reviewed by the PRC at its December 14, 2023 meeting.
  1. Policy 6-65/Library Media Centers/Profession Libraries: The PRC recommends proposed numbering changes.

School Board Attorney, Kamala H. Lannetti mentioned there was a request from a School Board member to place the item on the Action Agenda; there were formatting changes made to the policy; Chair Melnyk called for a motion to approve Policy 6-65/Library Media Centers/Professional Libraries. Mr. Culpepper made the motion, seconded by Ms. Weems. A discussion followed regarding the policy; Mr. Culpepper made a motion to amend Policy 6-65, to add section D. Content Committee – The Superintendent or Designee shall create a committee comprised of senior staff, the School Board attorney, and at least four Library Media Specialist for the purposes of developing a process to ensure there is no sexually explicit content, as defined by Virginia Code 2.2-2827 in elementary school libraries. The committee shall develop a process for incoming materials at the secondary level meeting the definition of sexually explicit content as defined by Virginia Code 2.2-2827 to be placed on a list located in a prominent location on the division website. The motion was seconded by Ms. Brown. A discussion continued regarding the motion by Mr. Culpepper; amendment not necessary;

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implementation of amendment; including the Library Media Specialist in the process/committee; was amendment presented to the School Board prior to the meeting; public input on amendment; flexible to implement – no specific time constraint, well defined; upcoming PRC meeting; need to confirm if citing the right code section; concerns with being legally sufficient; suggestion to have policy go back to PRC; First Amendment implications; mention of code dealing with sexually explicit content and instructional materials; defer and send back to PRC; public input on amendment; Ms. Manning made a substitute motion to bring Policy 6-65 back to Legal for review and back to the School Board at the next regular meeting for Action, Mr. Culpepper seconded the motion; there was a discussion regarding Ms. Manning’s motion; supports the policy going back to Legal; uncomfortable not having the PRC review at meeting; clarity the motion does prohibit the policy from going back to the PRC, but needs to come back to the School Board; specifically to bring to Legal for review; support for Ms. Manning’s motion but not to going to PRC; transparency with policy; does not want to bypass PRC. Without further discussion, Chair Melnyk called for a vote on Ms. Manning’s motion. The School Board Clerk announced there were seven (7) ayes in favor of the motion to bring Policy 6-65 back for Legal review and back to the School Board at the next regular meeting for Action: Vice Chair Franklin, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Owens, and Ms. Weems. There were three (3) nays opposed to the motion to bring Policy 6-65 back for Legal review and back to the School Board at the next regular meeting for Action: Chair Melnyk, Ms. Anderson, and Ms. Riggs. The motion passed, 7-3-0.

- C. Resolution Directing that a Petition for a Writ of Special Election Be Filed and the School Board Appoint an Interim School Board Member for District 4: Chair Melnyk called for a motion to approve the resolution directing that a Petition for a Writ of Special Election be filed, and the School Board appoint an Interim School Board Member District 4. Vice Chair Franklin made the motion, seconded by Ms. Anderson. School Board Attorney, Kamala H. Lannetti provided information regarding the resolution; approving the process; within the agenda packet there is calendar of dates; the resolution is authorizing the School Board attorney to take necessary steps to get the petition and the special election filed; School Board adopts a calendar and procedure for appointment of an Interim School Board Member District 4; Chair Melnyk read the following resolution:

#### RESOLUTION

#### DIRECTING THAT A PETITION FOR A WRIT OF SPECIAL ELECTION BE FILED AND THE SCHOOL BOARD ADOPT A CALENDAR AND PROCESS FOR APPOINTING AN INTERIM SCHOOL BOARD MEMBER DISTRICT 4

**WHEREAS**, Staci Martin School Board Member District 4 elected for a term of January 1, 2023 through December 31, 2026 has submitted her resignation from the School Board effective February 13, 2024 11:59 p.m.; and

**WHEREAS**, the Code of Virginia §24.2-226 (1950), as amended, and City Charter § 16.05, as amended, require that within fifteen (15) calendar days of the occurrence of the vacancy the School Board must petition the Circuit Court to issue a Writ of Special Election to fill the vacancy as set forth in Virginia Code §24.2-681, *et seq.*, as amended. The Court shall issue the writ ordering the election promptly which shall be no later than the next general election in November; and

**WHEREAS**, the next general election following Mrs. Martin’s resignation will be on November 5, 2024; and

**WHEREAS**, the Code of Virginia §24.2-228 and §22.1-29.1 (1950), as amended, require that the no later than forty-five (45) days from the date of the vacancy, the School Board appoint a qualified representative to fill the vacated School Board position until qualification of a new School Board Member following the special election. If the School Board fails to make an appointment within that time, the Circuit Court will appoint an interim representative.

**NOW, THEREFORE, be it resolved that**



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1. The School Board directs the School Board Attorney, the Clerk of the School Board and the Chair and Vice Chair of the School Board to take all appropriate actions necessary to file a Petition for a Writ of Special Election in the Circuit Court.
2. The School Board adopts a calendar and procedure for appointment of an Interim School Board Member District 4 until such time as a duly elected and qualified School Board Member District 4 takes office. The School Board Attorney, the Clerk of the School Board, the Chair and Vice Chair, and the Superintendent are authorized to take actions not taken by the School Board and necessary to implement the appointment process.

Adopted by the School Board of the City of Virginia Beach this 13<sup>th</sup> day of February 2024.

Vice Chair Franklin made the motion, seconded by Ms. Anderson. There was a brief discussion regarding the calendar and procedure for appointment; procedure within the calendar; proposed application form; goal to put the application out tomorrow. Without further discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were nine (9) ayes in favor of the Resolution Directing that a Petition for a Writ of Special Election be Filed and the School Board Adopt a Calendar and Process for Appointing an Interim School Board Member District 4: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Owens, Ms. Riggs, and Ms. Weems. There was one (1) nay opposed to the Resolution: Ms. Manning. The motion passed, 9-1-0.

- D. Motion for Action Related to the PPEA: (Note: item was added during the Adoption of the Agenda; see agenda item #8): Ms. Brown made the following motion: I move that the School Board not proceed to a comprehensive agreement related to the PPEA Interim Agreement, Ms. Manning seconded the motion. There was a brief discussion regard the motion; interim agreement process scheduled to end; guaranteed maximum price; seems that funds are not available to move to a comprehensive agreement; still will be working on school infrastructure; need for a concrete vote from the Board; stating the intent of the School Board. Without further discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were nine (9) ayes in favor of the motion that the School Board not proceed to a comprehensive agreement related to the PPEA Interim Agreement: Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. There was one (1) abstention to the motion: Chair Melnyk; noted that she abstains from general contractor votes. The motion passed, 9-0-1.
- E. Abatement Settlement Funds: (Note: item was added during the Adoption of the Agenda; see agenda item #8): Ms. Weems made the following motion: I move to direct the Superintendent to earmark \$500,000.00 from our abatement settlement fund towards a Recovery School. Ms. Manning seconded the motion. A discussion followed regarding the motion; funds used for a specific purpose, restrictions; need for information on what the State can provide; commitment from other districts; cutting programs and creating new programs; Virtual Learning Center; reversion funds; cost of vape detectors; topic discussed since 2019; partnership with other divisions; important to put funds aside for Recovery School; discussions happening in Richmond; braided funding sources; symbol of commitment; one-time funds; reserving the funds; House Bill 696; Chesterfield Recovery School; intent to start using the funds now; funds from a settlement not operating budget; research on vape detectors; flexibility in funds; voting on next Tuesday with more information. Chair Melnyk restated the motion – to direct the Superintendent to earmark \$500,000.00 from our abatement settlement fund towards a Recovery School. Without further discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were nine (9) ayes in favor of the motion to direct the Superintendent to earmark \$500,000.00 from our abatement settlement fund towards a Recovery School: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Riggs, and Ms.



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Weems. The was one (1) nay opposed to the motion to direct the Superintendent to earmark \$500,000.00 from our abatement settlement fund towards a Recovery School: Ms. Owens. The motion passed, 9-1-0.

- F. Gifted Resource Cluster Program: Comprehensive Evaluation Recommendations: (Note: item moved to Action agenda item #16F; see adoption of the agenda item #8): Chair Melnyk mentioned the item was moved from Consent to Action; motion made by Mr. Culpepper, seconded by Ms. Brown; Mr. Culpepper made the request to move the item, question regarding the 5-year plan timeline; development begins in April, long process, to be implemented in 2025-26 school year; need to get feedback sooner; program evaluation different from 5-year plan; program evaluation looks at the survey items; Office of Planning, Innovation, and Accountability/Office of Research and Evaluation to follow-up on the eight recommendations, support as needed to the Office of Gifted Education throughout the development of local plan; Mr. Culpepper clarified the motion was to approve the item as it would have been under Consent, but wanted to discuss the topic, so it needed to be moved to Action, Ms. Brown seconded the motion. Without further discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion to approve the Gifted Resource Cluster Program: Comprehensive Evaluation Recommendations: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

- 17. *Committee, Organization or Board Reports:*** Ms. Anderson mentioned the Sister Cities 2024 Ambassador will be chosen on March 8, an invitation will be sent to the School Board members, also there will be an art competition and silent auction, event will be at the MOCA (Museum of Contemporary Art); Ms. Franklin attended the SEAC meeting, discussed the Little Feet Meet at the meeting which is being held at Tallwood High School; Ms. Franklin also attended the GRC committee meeting, mentioned GRC SOL scores have improved, students participated in other activities (field trips, visiting colleges, opera, etc.), participating in Operation Smile; Mr. Callan mentioned he attended the Gifted Advisory Committee meeting, a new chair was elected at the meeting, dealing with challenges regarding measuring giftedness.

Ms. Manning left the School Board meeting at 10:41 p.m.

- 18. *Return to Administrative, Informal, Workshop or Closed Session matters:*** At 10:45 p.m., Vice Chair Franklin made the following motion, seconded by Ms. Anderson 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 1, 2, 3, 7, 8 and 29 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. 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.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

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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.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Namely to discuss:

- A. Decision on student discrimination complaint.
- B. Status of pending litigation or administrative cases.
- C. Consultation with legal counsel regarding probable litigation and pending litigation matters.
- D. Application and interview questions for appointment process.

Chair Melnyk called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the motion to recess into Closed Session: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Riggs, and Ms. Weems. The motion passed, 8-0-0.

The School Board recessed into Closed Session at 10:50 p.m.

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

- A. Decision on student discrimination complaint: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; and Regina M. Toneatto, School Board Clerk.
- D. Application and interview questions for appointment process: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; and Regina M. Toneatto, School Board Clerk.

The School Board reconvened at 11:09 p.m.

Certification of Closed Session: Vice Chair Franklin 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.





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Mr. Culpepper made the motion, seconded by Mr. Callan. Chair Melnyk called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the motion for Certification of Closed Session: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Riggs, and Ms. Weems. The motion passed, 8-0-0.

Chair Melnyk made a motion to accept resolution draft one in the student discrimination appeal 10/25/23;

**RESOLUTION**  
**STUDENT DISCRIMINATION APPEAL 10/25/23**

**WHEREAS**, on October 25, 2023 the parents of an elementary school student filed an appeal of the School Administration’s determination regarding their of complaint of national origin discrimination in violation of School Board Policy 5-7 due to the student not being selected for the 2023-24 second grade class at Old Donation School; and

**WHEREAS**, the School Board appointed a hearing officer to review the complaint and make a recommendation to the School Board regarding the complaint; and

**WHEREAS**, after holding a hearing on December 23, 2023, the Hearing Officer rendered his findings of fact and recommendation on January 19, 2024; and

**WHEREAS**, on February 13, 2024 the School Board reviewed the Hearing Officer’s Findings of Fact and recommendation, the transcript and the exhibits for the hearing.

**NOW, THEREFORE, IT IS DETERMINED**

1. That the School Board adopts the January 19, 2024 Findings of Fact and Recommendation of the Hearing Officer that there is insufficient evidence of a violation of any federal, state, or School Board law/statute/regulation concerning discrimination, harassment/
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 February 2024.

The motion was made by Chair Melnyk and seconded by Ms. Weems. Without discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the resolution: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Riggs, and Ms. Weems. The motion passed, 8-0-0.

**19. Adjournment:** Chair Melnyk adjourned the meeting at 11:14 p.m.

Respectfully submitted:

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

Approved:

\_\_\_\_\_  
Kimberly A. Melnyk, School Board Chair