



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

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

School Board Special Meeting MINUTES

Tuesday, March 5, 2024

School Administration Building #6, Municipal Center

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

NOTICE OF SPECIAL MEETING OF THE SCHOOL BOARD OF THE CITY OF VIRGINIA BEACH

- 1. Call to Order and Verbal Roll Call:** Chair Melnyk convened the special meeting of the School Board of the City of Virginia Beach at the School Administration Building, School Board Chamber at 4:31 p.m. on the 5th day of March 2024 and announced in accordance with the Schedule of School Board Meetings approved by the School Board at their January 9, 2024 Organizational/Regular Meeting, and amended School Board Meetings approved by the School Board at their February 27, 2024 Regular Meeting, and pursuant to Bylaw 1-46, and Virginia Code § 2.2-3707, the School Board will hold a special meeting on Tuesday, March 5, 2024, at 4:30 p.m., at the School Administration Building #6, 2512 George Mason Drive, Virginia Beach, Virginia 23456 in the School Board Room.

The purpose of this special meeting is for:

1. FY 2024-25 School Board Proposed Operating Budget and FY 2024-25 through FY 2029-30 Capital Improvement Program – discussion by School Board and School Administration; and
2. Closed Session; namely to discuss:
 - A. Grievability Determination Case No. 534-2-8-24
 - B. District 4 Vacancy – interview questions and applications

Chair Melnyk noted, members of the public will be able to observe the School Board meeting through livestreaming onschoolboard.vbschools.com/meetings/live, broadcast on VBTV Channel 47, and on Zoom; thanked those that have joined us 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. Owens (arrived at 4:34 p.m.), Ms. Riggs, and Ms. Weems. Ms. Manning was not in attendance due to work/family obligations.

2. Moment of Silence followed by the Pledge of Allegiance

- 3. Adoption of the Agenda:** Chair Melnyk called for any modifications to the agenda as presented. Hearing none, Chair Melnyk called for a motion to approve the agenda as presented. Ms. Anderson made the motion, seconded by Mr. Callan. 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: 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.

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4. **Discussion: School Board Budget Workshop for FY 2024-25 Proposed Operating Budget and Capital Improvement Program for FY 2024-25 through FY 2029-30:** Crystal Pate, Chief Financial Officer and Jack Freeman, Chief Operations Officer, provided the School Board information on the Proposed School Operating Budget for FY 2024/25 and Proposed Capital Improvement Program (CIP) for FY 2024/25 - FY 2029/30; Ms. Pate reviewed the presentation agenda: questions from School Board members, administration's recommendation to City Council's two cent reduction, State budget update, proposed final FY25 budget, CIP update, and proposed final 2024/25 – 2029/30 CIP; questions from School Board members included – what positions exceed SOQ (Standards of Quality) and list of current vacancies; reviewed the state standard and essential responsibilities for the following positions that exceed the SOQ: clerical library media assistants (above SOQ: 59; cost approximately \$2.7 million), librarians (above SOQ: 2.5; approximate cost \$248,523), assistant principals (above SOQ: 85.5; cost approximately \$10 million), clerical (above SOQ: around 218; approximate cost \$14.2 million), school counselors (above SOQ: 68.90; cost of approximately \$7.2 million), technology support (above SOQ: 70; approximate cost \$5.7 million), elementary resource teachers (above SOQ: 53.80; cost approximately \$4.9 million), elementary reading specialists (above SOQ: 14.10; cost of approximately \$1.3 million); rationale for staffing above SOQ: school safety and overall supervision, learning environments, student discipline and behavior, mental health and substance abuse response, investigations, commitment to educational excellence and multiple pathways; number of unfilled positions as of March 4, 2024: 97.23; provided a list of 7.5 central office unfilled positions; loss of approximately \$5.7 million from two cents tax reduction; one cent reductions include: remove replacement school buses \$2,386,383; extend the maintenance cycle for landscape services \$478,571; reduce general maintenance line item \$135,046; total one cent reduction: \$3 million; two cent reductions include: cut central office temporary employment agreements \$725,000; cut FEV Tutoring \$450,000; Pay-to-Play (additional revenue) \$876,700; cut 7.5 central office positions \$596,842; total two cent reduction: \$2,648,542; State budget update – General Assembly adjourns March 9, 2024, anticipating additional revenue from the State, hope to have the calc tool from the State, will seek guidance from the School Board should additional revenue be provided by the State; reviewed the proposed FY2024-25 operating budget balancing.
- Mr. Jack Freeman continued the presentation; reviewed proposed FY 24-25 CIP funding summary; scenario 1: Williams ES/Bayside 6 replacement: \$118 million; reviewed funding sources; adjusted proposed FY 24-25 CIP funding source scenario 2: Princess Anne High School replacement: \$284 million; reviewed the funding source; mentioned the purpose and need regarding Bettie F. Williams and Bayside 6th; moving forward - proceed toward adopting CIP (square footage noted as TBD for upcoming new construction projects, priority for new construction – Williams/Bayside 6), future School Board meetings: review educational specifications and current design of priority school, receive direction from the School Board for areas to explore reductions, staff develop options based upon School Board guidance, return to the Board with recommendations; proceed toward 100 percent design; targeting 2026 for start of construction; requesting final guidance to support adopting this CIP.
- Ms. Pate reviewed some additional next steps; the final FY 24-25 CIP and Operating Budget will be part of the March 12 School Board agenda packet on Thursday, March 7; all final questions to be asked and answered no later than 2:00 p.m. Wednesday; final workshop on Tuesday, March 12; and on Tuesday, March 12 – seeking School Board approval of both the final FY 24-25 Operating Budget and CIP.
- The presentation continued with questions and comments regarding bookkeepers; reduction of staff; decline in enrollment; raising staff ratios; loss of funds due to two cent reduction; music and art programs; minimum student count for classes (17); allocations at schools; Pay-to-Play – School Board against idea; music/orchestra and instruments provided; elective classes; assistant principals, staffed based on enrollment; course enrollment and student choices; possibility of additional funding, use for compensation, other options; Virtual Virginia; Career Connection event, priority transfers; current vacancies; compensation of other school districts; early graduation and reduction of classes; look at other areas for funding reduction instead of Pay-to-Play.
- Capital Improvement Program (CIP) questions and comments – projected square footage for B.F. Williams/Bayside 6; cost of replacement (\$118 million); concerns with square footage of buildings; CIP funding; funding for maintenance; renovation versus new construction; debt services; Princess Anne High School; Board approval on budget and CIP; dollar amounts and square footage; reputation of school division, offerings, etc.;

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need for maintenance; information forthcoming in the agenda packet; and if needed, send clarifying questions to the Superintendent Robertson by Friday.

5. **Closed Session:** At 6:41 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, Paragraph, 1, 7, and 8 as amended, to deliberate on the following matters:
1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals.
 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Namely to discuss:

- A. Grievability determination Case No. 534-2-8-24.
- B. District 4 Vacancy – interview questions and applications.

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.

The School Board recessed into Closed Session at 6:45 p.m.

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

- A. Grievability determination Case No. 534-2-8-24: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Owens, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; and Regina M. Toneatto, School Board Clerk.
- B. District 4 Vacancy – interview questions and applications: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Owens, Ms. Riggs, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; and Regina M. Toneatto, School Board Clerk.
- A. Grievability determination Case No. 534-2-8-24: School Board members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Owens, 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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Kamala H. Lannetti, School Board Attorney, left the Closed Session at 7:07 p.m.
Chair Melnyk left the Closed Session at 7:21 p.m. and returned at 7:22 p.m. School Board member, Mr. Culpepper left the Closed Session at 7:21 p.m. and returned at 7:23 p.m.
Donald E. Robertson, Ph.D., Superintendent, left the Closed Session at 7:21 p.m.
Kamala H. Lannetti, School Board Attorney, returned to the Closed Session at 7:26 p.m.

The School Board reconvened at 7:26 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 Ms. Anderson. Chair Melnyk called for a vote. The School Board Clerk announced there were nine (9) 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. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 9-0-0.

6. *Vote on Action Items (as needed):*

Ms. Weems read the following resolution:

**RESOLUTION
GRIEVABILITY DETERMINATION 534-2-8-2024**

WHEREAS an Employee has submitted a grievance to resolve a dispute with the Employee's principal regarding a Performance Improvement Plan (PIP) given to the Employee; and

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

WHEREAS, the School Administration requested that the School Board make a grievability determination regarding the Statement of Grievance: and

WHEREAS, the parties submitted written arguments regarding grievability and the School Board deliberated on the arguments in Closed Session on 3/5/24.

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



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1. The School Board determines that the Statement of Grievance filed by the Grievant meets the definition of a grievance and that the Grievant may proceed with the grievance.

FURTHER RESOLVED, that the Clerk shall provide a copy of this Resolution to the Grievant, the Grievant’s attorney, School Board Attorney, the Chief Schools Officer, and Chief Human Resources Officer.

Adopted by the School Board of the City of Virginia Beach this 5th day of March 2024.

Mr. Culpepper made the motion, seconded by Vice Chair Franklin. Chair Melnyk called for a vote on the resolution. The School Board Clerk announced there were six (6) ayes in favor of the resolution: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Mr. Culpepper, Ms. Owens, and Ms. Riggs. There were three (3) nays opposed to the resolution: Ms. Brown, Mr. Callan, and Ms. Weems. The motion passed, 6-3-0.

7. **Adjournment:** Chair Melnyk adjourned the special meeting at 7:29 p.m.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Kimberly A. Melnyk, School Board Chair