



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

Shannon L. Kendrick
District 4
Interim

Victoria C. Manning
At-Large

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 Regular Meeting MINUTES
Tuesday, August 13, 2024

School Administration Building #6, Municipal Center

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

1. **Administrative, Informal, and Workshop:** Chair Melnyk convened the Administrative, Informal, and Workshop session at 4:01 p.m. on the 13th day of August 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, Ms. Kendrick, Ms. Manning, and Ms. Owens.

The following School Board Members were not in attendance at the Administrative, Informal, and Workshop session: Mr. Culpepper, Ms. Riggs, and Ms. Weems.

Chair Melnyk stated members of the public will be able to observe the School Board Meeting through livestreaming on schoolboard.vbschools.com/meetings/live, broadcast on VBT Channel 47, and on Zoom; and thanked those that have joined us in person and online.

- A. **School Board Administrative Matters and Reports:** Chair Melnyk mentioned she attended the New Teacher Orientation yesterday, and thanked Mr. Callan for attending also.
- B. **Summer Staffing Update:** Darnita L. Trotman, Ed.D., Chief Human Resources Officer, and Anne Glenn-Zeljeznjak, Coordinator, Recruitment and Retention, provided the School Board information regarding the current state of staffing for the 2024-2025 school year in Virginia Beach City Public Schools; the presentation covered several key topics, including the critical shortage in the teaching workforce, current totals of positions that have been filled and those that remain vacant, and continued strategies for recruitment and retention; Dr. Trotman provided a brief introduction then Ms. Glenn-Zeljeznjak continued the presentation; presentation agenda: critical shortage in the teaching workforce, staffing updates, and recruitment and retention strategies; mentioned *Compass to 2025* and Goal 4: An Exemplary, Diversified Workforce; critical shortage in teacher workforce – lack of sufficient, qualified teachers and staff instability; teacher shortage makes it harder to build a strong professional reputation; fewer students are choosing teaching as a career; competitive salaries affect the division’s ability to attract and retain staff; shared data regarding teacher entry-level salaries and rank with other districts in Hampton Roads; and lack of affordable housing. Staffing updates: shared a list of 2024-2025 critical shortage teaching endorsement areas in Virginia; current instructional vacancies as of August 12, 2024 – total full-time instructional: 44 and total part-time instructional: 13; current non-instructional vacancies as of August 12, 2024 – total full-time non instructional: 59 and total part-time non-instructional: 2; hard-to-staff positions – vacancies: bus assistants: 42, custodians 1:

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36, and cafeteria assistants: 63; 2024-2025 new hires as of August 12, 2024 – instructional: 283 and non-instructional: 179.

Recruitment strategies: Grow Your Own Programs (VTfT, VBCPS Future Teacher Award, ODU Teacher in Residence Programs, ODU TRY-IT, JMU – Teaching Fellows Program), social media and job boards, division outreach (VBCPS Retirees, iteach partnership, job fairs, etc.); retention strategies – financial incentives (grants, tuition reimbursement, allowances, etc.), partnerships (universities, iteach, childcare), health and wellness, professional development (mentorship, instructional coaching, professional development days, Praxis Exam support); ways to support VBCPS recruiting: help elevate the profession, encourage family, friends, and neighbors to apply for employment with VBCPS, follow and share VBCPS media posts.

The presentation continued with questions and comments regarding instructional vacancies and which categories/subjects; new hires (early commitments, student teachers, ongoing effort); ranking of starting salaries of teachers; Wellness Days; hard to staff positions (non-instructional), comparison of starting salaries for hard-to-staff positions (bus assistants, custodians I, cafeteria assistants); processing new hires daily; housing market costs; number of full-time instructional positions in VBCPS; teacher retention rate; bus driver vacancies; VDOE certification; supporting recruitment; decline in teacher recruitment, reasons (classroom management, discipline, financial); exit surveys, top concerns – housing and pay; workforce engagement; teacher assistants becoming teachers; pathways to licensure; Praxis assistance; bus drivers, and size of school district.

- C. **New Construction Guidance and Direction:** Jack Freeman, Chief Operations Officer provided the School Board information on the two schools listed in the Capital Improvement Program (CIP) for new construction: CIP 1-015 Princess Anne HS Replacement Project and CIP 1-028 Williams ES/ Bayside 6th Grade Replacement Project; reviewed next steps – topic for information (August 27) and topic for action (September 10); reviewed history of projects; mentioned steps regarding new construction priority school (Williams ES/Bayside 6th replacement project or Princess Anne HS replacement project); need for direction from the School Board; reviewed long-range facilities master plan (07/08 priority schools recommendation, 17/18 facility condition); overview of deferred maintenance: Princess Anne HS: 14 building systems being monitored to prevent failure, including roofs, HVAC (32 units), fire systems, and pump station components, estimated cost is twice as much as Williams ES over next 14 years; Williams ES: 12 building systems being monitored to prevent failure, including roofs, plumbing, sewer, HVAC systems (8 units), and exterior brick, estimated cost is half as much as Princess Anne HS over next 16 years; reviewed debt service analysis; Williams ES/Bayside 6th replacement: \$105.5 million, requires an average annual incremental increase in the debt service budget for five consecutive years beginning in FY2030 of approximately \$2.0 million; Princess Anne HS replacement: \$288 million, requires an average annual incremental increase in the debt service budget for seven consecutive years beginning in FY2028 of approximately \$3.8 million; shared long-term cost comparison debt affordability of both schools; student years impact: Williams ES – 2 grade levels and 400 +/- students, 15% of student’s 13-year career as a VBCPS student; Princess Anne HS – 4 grade levels and 1,700 +/- students, 31% of student’s 13-year career as a VBCPS student; and reviewed next steps and upcoming School Board meeting topics. The presentation continued with questions and comments regarding cost of school replacements; debt services; August 27 presentation to the School Board; need to know which project is first/priority; inflation, loss of buying power; impact on students; concerns regarding the number of school transitions for students; cost of maintaining other building; facility conditions; PPEA process; building systems (HVAC, roofing, etc.); thanks for work done on presentation; and the need for a decision on which school is the priority.

2. **Closed Session:** There was no Closed Session during the Administrative, Informal, and Workshop session.
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 August 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 (arrived at 6:01 p.m.), Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Weems (arrived at 6:01 p.m.)

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The following School Board Member attended via Zoom: Ms. Riggs (joined at 6:19 p.m.), personal reasons/out of town. School Board Member, Mr. Culpepper was not in attendance.

6. Moment of Silence followed by the Pledge of Allegiance

7. Student, Employee and Public Awards and Recognition: There were no awards presented at the meeting.

8. 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. Brown made the motion, seconded by Ms. Kendrick. 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, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Weems. The motion passed, 9-0-0.

9. Superintendent's Report (second monthly meeting) and recognitions (first and second monthly meetings):

Administrative Recognitions – Superintendent Robertson introduced the following appointments which were approved at the July 23, 2024 School Board meeting: Richard A. Siemieniak, Administrative Assistant, Larkspur Middle School, as Assistant Principal for Lynnhaven Middle School; Margaret D. Wilson, Administrative Assistant, Kempsville Middle School, as Assistant Principal for Brandon Middle School; Keara A. Forbes, Administrative Assistant, Kempsville High School, as Assistant Principal for Landstown High School; Raymond G. Gatlin, Assistant Principal, Princess Anne Middle School, as Assistant Principal for Bayside High School; Ann M. Chowns, Instructional Specialist, K-12 School Counseling, Office of Student Support Services, as Coordinator, Guidance Services for Office of Student Support Services; Stephanie A. Enzmann, Employee Relations Specialist, Department of Human Resources, as Director, Employee Relations for Department of Human Resources; and Wendy A. Lyle, Instructional Specialist, Title I, Department of Teaching and Learning, as Coordinator, Title I Programs for Department of Teaching and Learning.

10. Approval of Meeting Minutes

A. July 23, 2024 Regular School Board Meeting: Chair Melnyk called for any modifications to the July 23, 2024 regular School Board meeting minutes as presented. Hearing none, Chair Melnyk called for a motion to approve the July 23, 2024 minutes as presented. Ms. Anderson made the motion, seconded by Ms. Kendrick. 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 July 23, 2024 meeting minutes as presented: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Weems. The motion passed, 9-0-0.

11. Public Comments (until 8:00 p.m.)

There were five (5) in person speakers; topics discussed were bullying; behavior of students; racial media posts; National Chaplain Program; mental health crisis; school violence; support for additional dismissal days/calendar adjustments; hours of mandatory training; racism; anonymous reporting system; compensation; and racist videos.

The Public Comments concluded at 6:23 p.m.

12. Information

A. Culturally Responsive Practices for Athletics and Activities: Walter Brower, Jr., Ed.D., Senior Executive Director of High Schools provided the School Board information on the steps taken by VBCPS to address bullying, harassment and hate speech in athletics and activities; mentioned Beach District Committee – focus of committee was to review existing VBCPS and VHSL (Virginia High School League) policy, develop a position statement, and form a plan moving forward; subcommittees focused on the topics: position statement, education and training, parent communication, consistent enforcement; mentioned School Board Policy 5-7, VHSL Rule 27-16-1; read the VBCPS position statement; review components of EPIC Plan – Education and Training, Prevention, Intervention, and Consistent Consequences; Education and Training – training provided to athletes, coaches, administrators, and parents to ensure everyone is equipped to prevent and respond appropriately to bullying, harassment, and hate speech; Prevention and Intervention - administrators will review the policy and mandatory reporting requirements with all faculty and staff, parent meetings will be

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held seasonally, student athletes and parents must sign a statement of understanding prior to being cleared for participation; Consistent Consequences - once reported and investigated, due process will be provided to the student, a “zero tolerance” stance has been established, participation will be terminated for the remainder of the current season, the student athlete must complete additional education and training and may be eligible for the next sports season if in “good standing” academically and behaviorally; and shared EPIC video.

The presentation continued with questions and comments regarding Policy 5-7; social media postings; student athletes; educate students; training for coaches and students; First Amendment Rights; including parents in the process; showing video to students; Student Code of Conduct; behavior expectations; working with principals, need for consistency; and recommendation to principals to share video at school.

13. Return to public comments if needed: As noted under Agenda item #11, Public Comments concluded at 6:23 p.m.

14. Consent Agenda: Chair Melnyk 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 review and amendment of certain policies as recommended by the PRC at its July 15, 2024 meeting.
1. Policy 4-2/Employee Conduct: The PRC recommends adding language to the Policy regarding employees avoiding actions that show favoritism towards students, adding corrective actions to assist in improving employees’ performance, and removing the Editor’s Note to align with other recent policy changes.
 2. Policy 4-69/Research Involving Employees: The PRC recommends updating the Legal Reference section.
 3. Policy 5-40/Student-led Assemblies/ Demonstrations: The PRC recommends adding “take” to section C.3. in order to clarify the administrator’s actions.
 4. Policy 5-50/Class Gifts/ Exchanging Gifts: There are no recommended changes to this policy. This policy is being reviewed to comply with the 5-year review period.
 5. Policy 5-58/Student and Staff Wellness: The PRC recommends minor scrivener’s changes, removing the Editor’s Notes to align with other recent policy changes, and updating the Legal References.
 6. Policy 5-67/Research Involving Students/ Research Review Committee: The PRC recommends adding language to include surveys requesting medical information of students to the list of surveys that require parental notification, removing the Editor’s Notes to align with other recent policy changes, and updating the Legal References.
 7. Policy 5-73/Voter Registration: The PRC recommends adding language limiting who can provide voter registration programs for students to only secondary social studies teachers approved by the Department of Teaching and Learning and the Voter Registration and Elections Office.
 8. Policy 6-20/School Division Curriculum: The PRC recommends amending the language in this policy to allow the School Board to approve any curriculum objectives in addition to the Virginia Standards of Learning. The School Division does not currently have any learning objectives outside of the Virginia Standards of Learning but this change allows the School Board to maintain the authority to approve objectives should new learning goals be presented or necessary in the future.

Chair Melnyk called for any objections for 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. Anderson made the motion, seconded by Ms. Kendrick. 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, Ms. Kendrick, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

15. Action

- A. Personnel Report / Administrative Appointments: Chair Melnyk called for a motion to approve the August 13, 2024 personnel report and administrative appointments. Ms. Owens made the motion, seconded by Vice Chair Franklin that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the August 13, 2024 personnel report along with the administrative appointments as recommended by the Superintendent. Without discussion, Chair Melnyk

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called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion to approve the August 13, 2024 personnel report and administrative appointments: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

Superintendent Robertson mentioned the following appointments: Curstin A. Williams, Administrative Assistant, Woodstock Elementary School, as Assistant Principal for Pembroke Elementary School; Maureen N. Allison, Administrative Assistant, Landstown Middle School, as Assistant Principal for Princess Anne Middle School; Joi N. Boone, Assistant Principal, Lynnhaven Middle School, as Coordinator for An Achievable Dream Academy, Lynnhaven Middle School; and Meghan R. Siemieniak, Administrative Assistant, Virginia Beach Middle School, as Assistant Principal for Great Neck Middle School.

B. Policy Review Committee (PRC) Recommendations:

1. Bylaw 1-15/Vacancies: Chair Melnyk called for a motion to approve Bylaw 1-15/Vacancies. Vice Chair Franklin made the motion, seconded by Ms. Kendrick. 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 Bylaw 1-15/Vacancies: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.
2. Bylaw 1-36/Open Meetings and Closed Meetings: Chair Melnyk called for a motion to approve Bylaw 1-36/Open Meetings and Closed Meetings. Ms. Anderson made the motion, seconded by Ms. Kendrick. 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 Bylaw 1-36/Open Meetings and Closed Meetings: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

C. 2024-2025 Calendar Revisions: Chair Melnyk called for a motion to approve the recommendation for the inclusion of four adjusted dismissal days (October 4; December 11; March 13; and April 3) to the existing 2024-25 School Calendar. Ms. Owens made the motion, seconded by Vice Chair Franklin. A discussion followed regarding the adjusted dismissal days; teachers overloaded with training from the State; unique situation this year involving teacher training; LTRS training; stressful for teachers; teacher need time to complete training; support for the additional four days; training of teachers to benefit the students; deadline to complete training; students attending specialty centers on half days (example – ATC, Technical Center, etc.); trainings for elementary, middle and high school teachers; lost of instructional time; impact on students; training modules being released for teachers; teachers ready to teach curriculum; communication plan to parents regarding additional half days, messaging to go out, newsletters in schools; and Parks and Recreation After-School program.

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 approve the recommendation for the inclusion of four adjusted dismissal days (October 4; December 11; March 13; and April 3) to the existing 2024-25 School Calendar: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Owens, Ms. Riggs, and Ms. Weems. There was one (1) nay opposed to the motion: Ms. Manning. The motion passed, 9-1-0.

- 16. Committee, Organization or Board Reports:** Vice Chair Franklin mentioned attending the SEAC (Special Education Advisory Committee) meeting on August 12, 2024, orientation for new members, interest in adding two additional members, amendment to the bylaws, assistive technology; Ms. Owens mentioned the Summer School Graduation on Thursday, August 15 at the Virginia Beach Convention Center; Ms. Weems mentioned the Audit Committee Meeting held earlier in the day, a discussion followed regarding committee members not present; voting for a chair of the committee; following Bylaws and the Charter; Audit Committee Chair as the direct supervisor to the Auditor; meeting quorum; and following processes.

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17. Return to Administrative, Informal, Workshop or Closed Session matters: At 7:21 p.m., Vice Chair Franklin made the following motion, seconded by Ms. Kendrick that the School Board recess into Closed Session in accordance with the exceptions to open meetings law set forth in Code of Virginia §2.2-3711, Part A, Paragraph, 1, 2, 7, and 8 as amended, to deliberate on the following matters:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. 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. Superintendent's Goals FY25.
- B. Appointment of hearing officer for student discrimination appeal hearing.
- C. Discussion of complaint concerning student conduct allegedly on school property.
- D. Discussion regarding settlement with Kroger in vaping litigation.
- E. Status of pending litigation or administrative cases.
- F. Consultation with legal counsel regarding probable litigation and pending litigation matters.

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

Note: School Board Member, Ms. Riggs ended her Zoom session at 7:24 p.m., and did not return to the meeting.

The School Board recessed into Closed Session at 7:26 p.m.

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

- B. Appointment of hearing officer for student discrimination appeal hearing: School Board Members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens,

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and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; Matthew D. Delaney, Chief Schools Officer; and Regina M. Toneatto, School Board Clerk.

- D. Discussion regarding settlement with Kroger in vaping litigation: School Board Members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; Matthew D. Delaney, Chief Schools Officer; and Regina M. Toneatto, School Board Clerk.
- E. Status of pending litigation or administrative cases; and
- F. 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, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; Matthew D. Delaney, Chief Schools Officer; and Regina M. Toneatto, School Board Clerk.
- C. Discussion of compliant concerning student conduct allegedly on school property: School Board Members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Weems; Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Superintendent; Matthew D. Delaney, Chief Schools Officer; and Regina M. Toneatto, School Board Clerk.
- Mr. Matthew D. Delaney left the Closed Session at 7:54 p.m.
- A. Superintendent's Goals FY25: School Board Members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, 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 8:02 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. Owens. 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, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Riggs. The motion passed, 9-0-0.

Chair Melnyk made the following motion, I move that the School Board appoint Ed Jones as a hearing officer for the student discrimination appeal filed on behalf of a Tallwood High School student. Vice Chair Franklin seconded the motion. Without discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were nine (9) ayes in favor of the motion to appoint Ed Jones as a hearing officer for the student discrimination appeal filed on behalf of a Tallwood High School student: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Riggs. The motion passed, 9-0-0.

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Chair Melnyk called for a motion to approve resolution authorizing settlement in class action suit related to opioid related claims against Kroger and related corporate entities and authoring the School Board Chair and the School Board Attorney to take all other actions necessary to complete the settlement process. Chair Melnyk read the following resolution:

RESOLUTION

A RESOLUTION OF THE SCHOOL BOARD OF THE CITY OF VIRGINIA BEACH, VIRGINIA

APPROVING PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE PARTICIPATION IN THE SETTLEMENT

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

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

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it;

NOW, THEREFORE BE IT RESOLVED that the School Board this 13th day of August, 2024, approves of participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs counsel to execute the documents necessary to effectuate participation in the settlement, including the required release of claims against Kroger.

Ms. Kendrick made the motion, seconded by Ms. Anderson. Without discussion, Chair Melnyk called for a vote. The School Board announced there were nine (9) ayes in favor of the motion to approve resolution authorizing settlement in class action suit related to opioid related claims against Kroger and related corporate entities and authoring the School Board Chair and the School Board Attorney to take all other actions necessary to complete the settlement process: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Ms. Kendrick, Ms. Manning, Ms. Owens, and Ms. Riggs. The motion passed, 9-0-0.

- 18. Adjournment:** Chair Melnyk adjourned the meeting at 8:06 p.m.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Kimberly A. Melnyk, School Board Chair