



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

Dr. Alveta J. Green
District 4

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, November 26, 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 4:00 p.m. on the 26th day of November 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 (arrived at 4:08 p.m.), Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Owens (arrived at 4:02 p.m.), and Ms. Riggs.

The following School Board Member attended via Zoom: Ms. Manning (personal reasons/Virginia Beach). School Board Member Ms. Weems was not present during the Administrative, Informal, and Workshop Session.

- A. **School Board Administrative Matters and Reports:** Chair Melnyk mentioned the School Board summer retreat is scheduled for Tuesday, July 8, and Wednesday, July 9, but the School Board will need to vote on those dates in a future meeting. The Superintendent recommended approved leave over the holiday break for the following four (4) dates: Thursday, December 26, and Friday, December 27, and Thursday, January 2, and Friday, January 3. Superintendent Robertson stated the dates 12-month employees are currently scheduled to work over the winter holiday and asked the School Board to consider waiving the Thursday and Friday of each week or at least two days (December 26-27). He wanted to add to the agenda tonight for action. Chair Melnyk passed around two sign-up sheets for the School Board Members regarding December meetings with Superintendent Robertson and school visits with Superintendent Robertson.
- B. **Facilities Update:** Jack Freeman, chief operations officer, and Melisa A. Ingram, executive director of facilities services, provided the School Board updates about facilities. Mr. Freeman began the presentation and reviewed the loss of buying power since 2009 and historic and projected inflation rates. The Capital Improvement Program (CIP) will have level funding over the next six years. The approved FY24-25 CIP funding summary was reviewed along with the maintenance replacement strategies. Data was shared regarding the 6-Year CIP funding for maintenance, new construction, and total CIP.

Ms. Ingram continued the presentation. She provided an overview of the renovations and replacements projects: reroofing CIP 1-019, HVAC CIP 1-018, foundations and fire alarm replacements, ADA athletic field access improvements and windows and exterior doors. Mr. Freeman continued the presentation and provided information on turf field installations, the remaining schools needing installations, and costs. He reviewed debt services and public facility revenue bonds funding source.

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 2 of 14

The presentation continued with questions and comments regarding lottery funds; state funding; HVAC expenses; size comparison of school buildings with city buildings; turf fields: installations, drainage, comparison to grass fields, maintenance of fields, wear and tear of fields, use of fields, cost and sustainability.

- C. **The Five-Year Forecast:** Crystal M. Pate, chief financial officer, provided the School Board information regarding the Five-Year Forecast. The Five-Year Forecast for Virginia Beach City Public Schools (VBCPS) is a report designed to help the City Council, School Board, and other stakeholders understand the long-term impact of current policies, demographic trends, and revenue streams. This forecast is based on assumptions derived from historical data, economic trends, and local and regional economic indicators. The key budget assumptions were reviewed for revenue, expenditures and student enrollment. Factors were shared regarding possible changes impacting the Five-Year Forecast, such as adjustments to the State SOQ funding formula, rising healthcare trends and costs, new state and federal mandates, new school board priorities, and employee compensation. The presentation continued with questions and comments regarding unfunded mandates; expenditures and revenue; joint meeting with City Council; VBCPS programs; and upcoming Legislative Breakfast.

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 5:20 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 26th day of November 2024 and thanked the members of the public for 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, Dr. Green, Ms. Owens, Ms. Riggs, and Ms. Weems.
The following School Board Member attended the meeting via Zoom: Ms. Manning (personal reasons/Virginia Beach)

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 mentioned the following modifications to the agenda: under Information – switch Policy Review Committee Recommendations from Item #12B1-2 to Item #12D1-2; switch Cell Phone-Free Education Plan from Item# 12D to Item #12B; and add Item #12E – Book Content Committee. Under the Consent Agenda, move Item #14D – *Compass to 2030* Strategic Framework to Action Item #15E; move Item #14E – Behavioral and Mental Health Supports for Students: Year-One Implementation Evaluation to Action Item #15F; move Item #14F – Building Utilization Committee to Action Item #15G; and add Item #15H – Adjustment of 12-month Employee Calendar. Chair Melnyk called for a motion to approve the agenda as amended. Vice Chair Franklin made the motion, seconded by Ms. Owens.

A discussion followed regarding the addition of Item #12E – Book Content Committee - public notice of topic; item not urgent; need for public comment on topic; short time frame before end of year, need to bring back for discussion under information to allow public to speak at next meeting on topic. There was also discussion regarding the addition of Item #15H – Adjustment of 12-month Employee Calendar – time is needed to reflect on the topic; voted on similar topic last year; if done every year then make part of the calendar; staff time off. It was mentioned that items needed to be added to the agenda beforehand.

Without further discussion, Chair Melnyk called for a vote to adopt the agenda as amended. The School Board Clerk announced there were six (6) ayes in favor of the motion to approve the agenda as amended: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Dr. Green, Ms. Owens, and Ms. Riggs. There were five (5) nays opposed to the motion to approve the agenda as amended: Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, and Ms. Weems. The motion passed, 6-5-0.

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 3 of 14

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

Superintendent's Report: Superintendent Robertson shared the following information: 1) Students and staff gathered at the Virginia Beach Convention Center on October 10 to showcase the incredible advanced Academy and Academic Program pathways offered by Virginia Beach City Public Schools. The application deadline is January 7, 2025, and information can be found on vbschools.com/academics/academies; 2) Over 150 students and parents attended the fall "Beach Girls Rock!" event on October 19 at Princess Anne Middle School. Organized by the Office for Diversity, Equity and Inclusion, the event empowered young women in grades five through eight by developing leadership skills, promoting personal growth and highlighting opportunities available through the sciences, technology, engineering and mathematics. The spring "Beach Girls Rock!" is scheduled for March 22 at Old Dominion University; 3) Special Olympics and our community volunteers continued to enrich the lives of our students through the Meet in the Middle athletic event. Students with intellectual disabilities from all our middle schools experienced a fun and challenging day of running, ball-throwing and long jumps on October 29. They also danced, kicked soccer balls and navigated through obstacle courses with their peer buddies, teachers and family members; 4) Virginia Beach City Public Schools joined the Department of Defense in celebrating Military Family Appreciation Month. About 10,000 of our students have active-duty parents serving in the armed forces. This past Friday we observed Remember Everyone Deployed Day, or RED Day. Wearing red demonstrated our support for families who sacrifice so much for our freedom; and 5) shared a video from the Office of Technical and Career Education.

Administrative Recognition: Superintendent Robertson introduced the following appointment, which was approved at the November 12, 2014, school board meeting: Erin C. Mullins, instructional specialist, as coordinator of secondary English for the Department of Teaching and Learning.

10. Approval of Meeting Minutes

A. November 6, 2024, Special School Board Meeting:

Chair Melnyk called for any modifications to the November 6, 2024, Special School Board Meeting Minutes as presented. Hearing none, Chair Melnyk called for a motion to approve the November 6, 2024, minutes as presented. Vice Chair Franklin made the motion, seconded by Ms. Owens. Without discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the motion to approve the November 6, 2024, meeting minutes as presented: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Owens, and Ms. Weems. There were three (3) abstentions: Dr. Green, Ms. Manning, and Ms. Riggs. The motion passed, 8-0-3.

B. November 12, 2024, Regular School Board Meeting:

Chair Melnyk called for any modifications to the November 12, 2024, Regular School Board Meeting Minutes as presented. Hearing none, Chair Melnyk called for a motion to approve the November 12, 2024, minutes as presented. Ms. Riggs made the motion, seconded by Ms. Anderson. 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 November 12, 2024, meeting minutes as presented: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Ms. Manning, Ms. Owens, Mr. Riggs, and Ms. Weems. There was one (1) abstention: Dr. Green. The motion passed, 10-0-1.

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

There was one (1) in-person speaker. The topic discussed was Sentara's new School Liaison Program. The Public Comments concluded at 6:24 p.m.

12. Information

A. Interim Financial Statements – October 2024: Daniel Hopkins, director of Business Services, presented financial information to the School Board for the period ending October 31, 2024. The overall revenue trend remained acceptable at this point in the fiscal year. Federal revenues showed an acceptable trend at the end of October, and we received Impact Aid payments of approximately \$4.7 million. Other sources of revenue are acceptable at this point in the fiscal year. Sales tax receipts are at an acceptable level and are approximately \$349,000

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 4 of 14

higher than the same time last year. The expenditures and encumbrances trend continues to remain acceptable.

- B. Cell Phone-Free Education Plan: Note, item was moved from Item #12D during the Adoption of the Agenda. See Agenda Item #8.

Matthew D. Delaney, chief schools officer, provided the School Board information about the guidance from the Virginia Department of Education (VDOE) regarding the implementation of a cell phone-free education. The presentation provided an update on VBCPS response to the Guidance for a Cell Phone-Free Education, highlighted the major difference between the guidance from VBCPS current policy and regulations, and shared next steps VBCPS will take in responding to a Cell Phone-Free Education. An overview was provided regarding Executive Order 33, current VBCPS Regulation 3-65.1, and VDOE definitions. The development of the Cell Phone-Free Education Plan was reviewed which included information sessions, visits to high schools, feedback sessions, meeting with Teacher Assembly, and attending Policy Review Committee meeting to review draft policy and regulation. The draft School Board Regulation 5-52.1 was reviewed which included definition of instructional time and emergencies, storage of device, age-appropriate restrictions and discipline. The next steps included School Board action item on December 10 and finalizing preparation based on School Board decision.

The presentation continued with questions and comments regarding disciplinary guidelines, informing parents of violations; Code of Conduct; increase of referrals; monitoring of discipline data; report to VDOE; high school students and cell phones, One Lunch; implementation of regulation; having a device on person versus in a bag/purse; age-appropriate restrictions; too much screen time; work-life balance; access to phone; and clarity of policy and regulation.

- C. Legislative Update: Joel Andrus, legislative consultant, provided the School Board the 2025 Legislative Agenda as proposed by the School Board Legislative Committee. The following priorities were reviewed: K-12 education funding models and formulas, support cap, teacher salary increases and recruitment and retention, increase behavior and mental health staff available to students, delivering quality special education services, dedicated state funding for capital improvements, school bus driver shortage, eliminate or fund currently unfunded mandates and assessment reform. He also provided an overview of the general assembly regarding short session, upcoming elections, interim budget year and potential K-12 issues.

The presentation continued with questions and comments regarding lottery money for capital improvements, JLARC (Joint Legislative Audit and Review Commission), special education unfunded mandates, staffing based formula and special education federal mandates.

- D. Policy Review Committee (PRC) Recommendations: Note, item was moved from Item #12B during the Adoption of the Agenda. See Agenda Item #8.

Recommended that the School Board review Policy Review Committee (PRC) recommendations regarding the amendment of certain policies as recommended by the PRC at its November 21, 2024, meeting. Kamala Lannetti, school board attorney, presented the following:

1. Policy 3-65/Security of Building and Grounds: cellular phones and other portable telecommunications devices: The PRC recommends deleting this policy and replacing it with Policy 5-52 Cell Phone-Free Education – cellular phones and personal electronic communication devices – student use.
2. Policy 5-52/Cell Phone-Free Education – cellular phones and personal electronic communication devices – student use: The PRC recommends adopting the policy and related regulation as provided to comply with Governor Youngkin's Executive Order 33.

Ms. Lannetti reviewed items in Regulation 5-52.2 – definitions (cellular phone/cell phone, instructional time, personal electronic communication device); student use of personal electronic communication devices; discipline of students, teachers and staff members; communication with home or family; exemptions and developmentally appropriate guidance.

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 5 of 14

The presentation continued with questions and comments regarding instructional time; need to be clear about cell phone use; data about cell phone usage; parent's rights; mental health; use of phones during lunch time; implementation; Executive Order; distraction to instruction; policy and regulation.

Ms. Owens made a motion, seconded by Ms. Anderson, to bring Policy 5-52 and Regulation 5-52.1 to vote on at the next School Board meeting. A discussion followed regarding the motion – will the items be voted on separately or together at the next meeting; clarity for voting on the policy and regulation; Executive Order 33; need clarity to the policy; legislation and applicable law; informational sessions with parents; VDOE guidance; direction from the PRC; suggestion to remove the final line of Policy 5-52.

Ms. Owens made an amendment to the motion – at the next meeting (December 10, 2024), we will bring back Policy 5-52 without the last sentence (*Any such regulation will be consistent with applicable law and regulation and guidance from the Virginia Department of Education*) and Regulation 5-52.1 for a vote. Ms. Anderson agreed with the amendment and seconded the amendment to the motion. A discussion followed and a comment was made regarding the prior discussion; parent meetings; meeting with students; phones during lunch time; Policy 5-52.

Without further discussion, Chair Melnyk called for a vote on the motion by Ms. Owens. The School Board Clerk announced there were nine (9) ayes in favor of the motion – at the next meeting (December 10, 2024), we will bring back Policy 5-52 without the last sentence (*Any such regulation will be consistent with applicable law and regulation and guidance from the Virginia Department of Education*) and Regulation 5-52.1 for a vote: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Owens, and Ms. Riggs. There were two (2) nays opposed to the motion: Ms. Manning and Ms. Weems. The motion passed, 9-2-0.

- E. Book Content Committee: Note, item was added during the Adoption of the Agenda. See Agenda Item #8. Vice Chair Franklin brought forth the topic for discussion and provided a brief overview regarding Policy 6-65, Regulation 6-65.1, Library Content Committee, library materials in elementary schools and a timeline. A discussion followed with questions and comments regarding the policy and Regulation 6-65.3, elementary school and explicit materials, LMS (Library Media Specialist) reviewing materials, the workload to review materials, support from principals, addressing concerns at specific schools, working with LMS throughout the school year, league meetings, changing of LMS from school to school; age-appropriate books; timeline to complete review (June 1); LMS working on task, monitoring and tracking the LMS progress, impact on summer reading, a future report to the School Board on which books removed (possibly in July or August), list of explicit library materials, process for handling explicit materials, number of books in a collection at an elementary school, and need to determine if timeline is achievable.

13. **Return to public comments if needed:**

As noted under Agenda Item #12, the Public Comments concluded at 6:24 p.m.

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

- A. Resolution: Human Rights Month: Recommended that the School Board approve a resolution recognizing December as Human Rights Month.
- B. Policy Review Committee (PRC) Recommendations: Recommended that the School Board approve Policy Review Committee (PRC) recommendations regarding the amendment of certain policies as recommended by the PRC at its October 17, 2024, meeting.
 - 1. Policy 2-9/Superintendent: Evaluation: The PRC recommends removing references to the Governance Committee.
 - 2. Policy 3-61/Tobacco and nicotine vapor products: The PRC recommends adding language that includes the use of alternative nicotine products, such as nicotine cessation products, during school hours or at school sponsored events.

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 6 of 14

3. Policy 7-1/Relations with the Public: The PRC recommends formatting and other changes that align with similar changes recently made to other policies and updating the name of the Department of Communications and Community Engagement.
 4. Policy 7-6/Relations with the News Media: The PRC recommends changes to the policy and removing the Editor's Note as the information is located in the Related Links section of the Policy.
 5. Policy 7-10/Communications from the Public: The PRC recommends removing the Editor's Note as the information is located in the Related Links section of the Policy.
 6. Policy 7-15/Distribution/Announcement of Outside Communications: The PRC recommends updating the name of the Department of Communications and Community Engagement and removing the Editor's Note as the information is located in the Related Links section of the Policy.
 7. Policy 7-18/Community Engagement/Volunteers: The PRC recommends updating the name of the Department of Communications and Community Engagement, updating the name of the Office of Family and Community Engagement, adding a link to the www.vbschools.com page that contains the online volunteer application, and removing the Editor's Note as the information is located in the Related Links section of the Policy.
 8. Policy 7-31/Parent Teacher Associations (PTAs) and Parent Teacher Student Associations (PTSAs): There are no recommended changes to this policy. It is being reviewed to meet the requirements under the Code of Virginia.
 9. Policy 7-32/Gifts, Grants and Bequests: The PRC recommends changes to formatting to align with other recent changes to policies and adding titles to Sections B and C.
- C. **New Courses:**
1. Freshman Transition Strategies: Recommended that the School Board approve the proposed course, Freshmen Transition Strategies, and corresponding course objectives for implementation in the 2025-2026 school year.
 2. Introduction to Welding: Recommended that the School Board approve the proposed one-credit Introduction to Welding course and corresponding course objectives for implementation in the 2024-2025 school year.
 3. DE Aviation Maintenance I & II: Recommended that the School Board approve the proposed three-credit DE Aviation I and Aviation II courses and corresponding course objectives for implementation in the 2025-2026 school year.
 4. DE Medical Assistant I & II: Recommended that the School Board approve the proposed three-credit DE Medical Assistant I and II courses and corresponding course objectives for implementation in the 2025-2026 school year.
 5. DE Emergency Medical Services I & II: Recommended that the School Board approve the proposed one-credit DE Emergency Medical Services I and II courses and corresponding course objectives for implementation in the 2025-2026 school year.
 6. DE Paralegal I & II: Recommended that the School Board approve the proposed one credit DE Paralegal I and II courses and corresponding course objectives for implementation in the 2025-2026 school year.
 7. DE Renewable Energy Technologies I & II: Recommended that the School Board approve the proposed one credit DE Renewable Energy Technologies I and II courses and corresponding course objectives for implementation in the 2025-2026 school year.
- D. Compass to 2030 Strategic Framework: Note, item moved to Action Item #15E during the Adoption of the Agenda. See Agenda Item #8.
- E. Behavioral and Mental Health Supports for Students: Year-One Implementation Evaluation: Note, item moved to Action Item #15F during the Adoption of the Agenda. See Agenda Item #8.
- F. Building Utilization Committee: Note, item moved to Action Item #15G during the Adoption of the Agenda. See Agenda Item #8.

After reading the items on the Consent Agenda, Chair Melnyk called for a motion to approve the Consent Agenda as presented. Ms. Riggs made the motion, seconded by Vice Chair Franklin. Chair Melnyk read the following resolution:

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 7 of 14

RESOLUTION
Human Rights Month
December 2024

WHEREAS, Human Rights Day is observed every year on Dec. 10, which is the day the United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948; and

WHEREAS, Human Rights Month is a time to come together and remember that human rights are universal rights, and that everyone should be treated with respect and be free from discrimination; and

WHEREAS, human rights are at the core of the division's strategic framework, core values, teaching and learning framework and educational equity policy, as in the absence of human dignity we cannot hope to accomplish our mission to "empower every student to become a life-long learner who is a responsible, productive and engaged citizen within the global community;" and

WHEREAS, the School Board of the City of Virginia Beach is a positive advocate for the human rights of every member of our school division;

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach officially recognizes the month of December 2024 as Human Rights Month; and be it

FURTHER RESOLVED: That the School Board of the City of Virginia Beach encourages participation and solidarity in the various school and local activities during Human Rights Month; 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 26th day of November 2024

After the resolution was 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: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Culpepper, Dr. Green, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0. Note: School Board Member, Mr. Callan was not present in the School Board Chamber at the time of the vote.

15. Action

- A. **Personnel Report / Administrative Appointments:** Chair Melnyk called for a motion to approve the November 26, 2024, personnel report and administrative appointment. Ms. Riggs 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 November 26, 2024, personnel report along with the administrative appointment as recommended by the Superintendent. 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 November 26, 2024, personnel report along with the administrative appointment as recommended by the Superintendent: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Owens, Ms. Riggs, and Ms. Weems. There were two (2) nays opposed to the motion to approve the November 26, 2024, personnel report along with the administrative appointment as recommended by the Superintendent: Ms. Brown and Ms. Manning. The motion passed, 9-2-0.

Superintendent Robertson mentioned the following appointment: Tiffany L. Jacobs, grants manager, as director of budget, Department of Budget and Finance.

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 8 of 14

- B. Policy Review Committee (PRC) Recommendations: Recommended that the School Board approve the Policy Review Committee (PRC) recommendations regarding the amendment of certain bylaws by the PRC at its October 17, 2024, meeting.
1. Bylaw 1-25/Public Complaints and Procedures: The PRC recommends removing part of Section B which references the Governance Committee and correcting the lettering.

Chair Melnyk called for a motion to approve Bylaw 1-25/Public Complaints and Procedures. Vice Chair Franklin made the motion, seconded by Ms. Manning. 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 Bylaw 1-25: Chair Melnyk, Vice Chair Franklin, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Manning, Ms. Owens, and Ms. Weems. There were two (2) nays opposed to the motion to approve Bylaw 1-25: Ms. Anderson and Ms. Riggs. The motion passed, 9-2-0.

2. Bylaw 1-28/Committees, Organizations and Boards – School Board Member assignments: The PRC recommends removing Section C 3 regarding the Governance Committee.

Chair Melnyk called for a motion to approve Bylaw 1-28/Committees, Organizations, and Boards – School Board Member assignments. Ms. Brown made the motion, seconded by Ms. Manning. 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 Bylaw 1-28: Chair Melnyk, Vice Chair Franklin, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Manning, Ms. Owens, and Ms. Weems. There were two (2) nays opposed to the motion to approve Bylaw 1-28: Ms. Anderson and Ms. Riggs. The motion passed, 9-2-0.

3. Bylaw 1-33/Formulation and Approval/Revision/Recission of Regulations: The PRC recommends removing language that limits the School Board's authority over School Board Regulations and add language that aligns with the Code of Virginia regarding the same.

Chair Melnyk called for a motion to approve Bylaw 1-33/Formulation and Approval/Revision/Recission of Regulations. Ms. Brown made the motion, seconded by Mr. Culpepper. 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 Bylaw 1-33: Chair Melnyk, Vice Chair Franklin, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Manning, Ms. Owens, and Ms. Weems. There were two (2) nays opposed to the motion to approve Bylaw 1-33: Ms. Anderson and Ms. Riggs. The motion passed, 9-2-0.

- C. Tallwood High School Track & Field Improvements: Recommended that the School Board approve a motion authorizing the Superintendent to execute a contract with SCG Fields, LLC for the Tallwood High School Track & Field Improvements in the amount of \$2,544,750.

Chair Melnyk called for a motion to approve Tallwood High School Track & Field improvements. Dr. Green made the motion, seconded by Ms. Riggs. A discussion followed regarding safety and cost; return to grass fields; ongoing costs and maintenance; cannot support motion; pros and cons of turf fields versus grass fields; replacement of turf fields; sustainability; spring sports playing on fields; replacing only the track; use of fields; scope of project; and material of track.

Without future discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were nine (9) ayes in favor of the motion to approve Tallwood High School Track & Field improvements: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Owens, Ms. Riggs, and Ms. Weems. There were two (2) nays opposed to the motion to approve Tallwood High School Track & Field improvements: Ms. Brown and Ms. Manning. The motion passed, 9-2-0.

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 9 of 14

- D. Reversion Resolution Update: Chair Melnyk called for a motion to approve the Reversion Resolution Update. Ms. Riggs made the motion, seconded by Ms. Brown. There was a brief discussion on the update to the resolution; funds going to health fund were not approved by City Council; resolution was updated to include the funds going to Princess Anne High School replacement. After the discussion, Vice Chair Franklin read the resolution:

Budget Resolution Regarding FY 2023/24 Reversion and Revenue Sharing Formula Reconciliation

WHEREAS, on September 24, 2024, the School Board was presented with a summary of the unaudited financial statements for FY 2023/24 (year-ending June 30, 2024), showing the reversion amount to the city's General fund; and

WHEREAS, \$16,423,540 is the amount of School Operating reversion funds available (excluding debt service and revenues over/under budget); and

WHEREAS, \$5,327,022 is the amount remaining in debt service due to the timing of bond sales, increasing the School Operating reversion amount to \$21,750,562; and

WHEREAS, \$9,720,758 came in as additional revenue over the appropriated budget, increasing the School Operating reversion amount to \$31,471,320; and

WHEREAS, \$176,939 reverted from the Athletics fund and \$45,364 reverted from the Green Run Collegiate Charter School fund; and

WHEREAS, the total amount available for re-appropriation is \$31,693,623; and

WHEREAS, the city is currently indicating FY 2023/24 revenue under budget of \$1,162,099 based on the Revenue Sharing Formula; and

WHEREAS, the net funding available for re-appropriation is \$30,531,524; and

WHEREAS, the Administration recommends the following for the available funds in the amount of \$30,531,524:

- \$10,031,524 to be re-appropriated to the FY 2024/25 Capital Improvement Program
 - \$5,327,022 to be transferred in the form of pay-as-you-go funding with a corresponding reduction in authorized but unissued Public Facility Revenue Bonds
 - \$1,500,000 to be transferred in the form of pay-as-you-go funding for project 1-020 Renovations and Replacements – Various Phase III
 - \$3,204,502 to be transferred in the form of pay-as-you-go funding for project 1-030 Payroll System Replacement
- \$20,500,000 to be re-appropriated to the School Reserve Special Revenue fund to be set aside for project 1-1015 Princess Anne High Replacement

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of reversion funds as presented by the Administration; and be it

FURTHER RESOLVED: That the School Board requests that the City Council approve the re-appropriation of reversion funds shown above; and be it

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 10 of 14

FINALLY RESOLVED: That a copy of this resolution be spread across the official minutes of this Board, and the Clerk of the Board is directed to deliver a copy of this resolution to the Mayor, each member of the City Council, the City Manager, and the City Clerk.

Adopted by the School Board of the City of Virginia Beach this 26th day of November 2024

After the resolution was read, Chair Melnyk called for a vote. The School Board Clerk announced there were eleven (11) ayes in favor of the motion to approve the Reversion Resolution Update.

The motion passed unanimously, 11-0-0.

- E. Compass to 2030 Strategic Framework: Note, item moved from Consent Agenda Item #14D during the Adoption of the Agenda. See Agenda Item #8.
Recommended that the School Board approve the strategic framework, *Compass to 2030*. Chair Melnyk called for a motion to approve the *Compass to 2030* Strategic Framework. Ms. Anderson made the motion, seconded by Ms. Owens. A discussion followed regarding the framework and spending; document for public viewing; measurable data to show improvement; reviewed timeline of sharing document with School Board, document on VBCPS website; guiding document for the school division; future-ready profile; comments from citizens; mastering the basics; parent access, Code of Conduct, policies; clarification on what is being voted on, framework in total, noted pages 6-7 in The Strategic Framework document; Code of Virginia; community engagement; midpoint update, can School Board suggest changes to framework; framework is a living document; and updates are given to the School Board annually on navigational markers.

Without further discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were seven (7) ayes in favor of the motion to approve the *Compass to 2030* Strategic Framework: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Dr. Green, Ms. Owens, Ms. Riggs, and Ms. Weems. There were four (4) nays opposed to the motion to approve the *Compass to 2030* Strategic Framework: Ms. Brown, Mr. Callan, Mr. Culpepper, and Ms. Manning. The motion passed, 7-4-0.

- F. Behavioral and Mental Health Supports for Students: Year-One Implementation Evaluation: Note, item moved from Consent Agenda Item #14E during the Adoption of the Agenda. See Agenda Item #8.
Recommended that the School Board approve the Behavioral and Mental Health Supports for Students: Year-One Implementation Evaluation administration's recommendations. Chair Melnyk called for a motion to approve the Behavioral and Mental Health Supports for Students: Year-One Implementation Evaluation administration's recommendations. Dr. Green made the motion, seconded by Ms. Riggs. Without discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were six (6) ayes in favor of the motion to approve the Behavioral and Mental Health Supports for Students: Year-One Implementation Evaluation administration's recommendations: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Dr. Green, Ms. Owens, and Ms. Riggs. There were four (4) nays opposed to the motion to approve the Behavioral and Mental Health Supports for Students: Year-One Implementation Evaluation administration's recommendations: Ms. Brown, Mr. Callan, Mr. Culpepper, and Ms. Manning. The motion passed, 6-4-0. Note: School Board Member, Ms. Weems was not present in the School Board Chamber at the time of the vote.
- G. Building Utilization Committee: Note, item moved from Consent Agenda Item #14F during the Adoption of the Agenda. See Agenda Item #8.
Recommended that the School Board approve the Building Utilization Committee's (BUC) recommended proposed rezoning plan as presented on November 12, 2024. The proposed rezoning plan impacts Point O'View Elementary School, Kempsville Elementary School, Pembroke Elementary School, Arrowhead Elementary School, Larkspur Middle School, Independence Middle School, and Kempsville Middle School attendance zones and would be effective for school year 2025-26. Chair Melnyk called for a motion to approve the Building Utilization Committee recommendation. Ms. Brown made the motion, seconded by Ms. Riggs.

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 11 of 14

Vice Chair Franklin made a substitute motion to expand the ability of not just the rising 5th graders but the rising 4th graders and 5th graders to have the opportunity to provide out-of-zone requests for those schools (Kempsville Elementary and Arrowhead Elementary) to be able to stay in their existing schools and provide their own transportation. The substitute motion was seconded by Ms. Owens.

A discussion followed regarding out-of-zone requests; discretion and approval of the principal; overcrowding; waiver process and precedent; future rezoning; transportation; clarification of intent of motion; policy regarding out-of-zone requests; school populations; concerns from parents leaving Kempsville and Arrowhead elementary schools; valid reason for out-of-zone request; number of student effected by rezoning; request to clarify motion; requests considered on a case-by-case basis; and Regulation 5-14.1.

Vice Chair Franklin made the following adjustment to the substitution motion – to expand the consideration of rising 4th and 5th grade students to have out-of-zone requests for all schools impacted to stay in their existing school but provide own transportation. The motion was seconded by Ms. Owens. Without further discussion, Chair Melnyk called for a vote. The School Board Clerk announced there was one (1) aye in favor of the substitute motion: Vice Chair Franklin. There were ten (10) nays opposed to the substitute motion: Chair Melnyk, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The substitute motion did not pass, 1-10-0.

The original motion was back on the floor, which was made by Ms. Brown and 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 Building Utilization Committee recommendation: Chair Melnyk, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Manning, Ms., Owens, Ms. Riggs, and Ms. Weems. There was one (1) nay opposed to the motion to approve the Building Utilization Committee recommendation: Vice Chair Franklin. The motion passed, 10-1-0.

- H. Adjustment of 12-month Employee Calendar: Note, item was added during the Adoption of the Agenda. See Agenda Item #8.

Superintendent Robertson requested the following consideration – for 12-month employees to have approved leave December 26 and December 27, and January 2 and January 3. A discussion followed regarding the number of vacation days employees receive, based on years of service; new employees earn leave based on previous work and is prorated; attract and retain employees, other school districts leave for 12-month employees; vacation days for employees; pay out for unused leave days; process of approving calendars, school calendars versus 12-month employee calendars; employee handbook – approximately four hours of leave per pay period for new employees.

Ms. Brown made a substitute motion to give the 12-month employees December 26 and 27 off (2 days). Ms. Weems seconded the substitute motion. A discussion followed regarding other school divisions providing four days off for 12-month employees; against giving just the two days; retaining 12-month employees; and Policy 4-88. Without further discussion, Chair Melnyk called for a vote on the substitute motion. The School Board Clerk announced there were three (3) ayes in favor of the substitute motion to give the 12-month employees December 26 and 27 off (2 days): Ms. Brown, Ms. Manning, and Ms. Weems. There were eight (8) nays opposed to the substitute motion to give the 12-month employees December 26 and 27 off (2 days): Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Owens, and Ms. Riggs. The substitute motion did not pass, 3-8-0.

Chair Melnyk called for a motion to approve all four days (December 26 and December 27 and January 2 and January 3) for 12-month employees. Ms. Riggs made the motion, seconded by Ms. Brown. A brief discussion followed regarding Policy 4-88 section E2 - *...the School Board authorizes the Superintendent or designee to align employee work calendars with competing school divisions in the Commonwealth*; discretion of the Superintendent; workdays and vacation days; retention of employees; and a goodwill gesture. Without further

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 12 of 14

discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion to approve all four days (December 26 and December 27 and January 2 and January 3) for 12-month employees: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Owens, Ms. Riggs, and Ms. Weems. There was one (1) nay opposed to the motion to approve all four days (December 26 and December 27 and January 2 and January 3) for 12-month employees: Ms. Manning. The motion passed, 10-1-0.

- 16. Committee, Organization or Board Reports:** Ms. Anderson mentioned the Sister Cities Student Ambassador scholarship, deadline is January 31, check with school guidance counselor for application. Ms. Riggs mentioned the VSBA Delegation meeting, as directed by the School Board, she voted against the VSBA proposed legislative positions amendments and proposed bylaw amendments.
- 17. Return to Administrative, Informal, Workshop or Closed Session matters:** At 11:46 p.m., Vice Chair Franklin made the following motion, seconded by Ms. Brown, 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 2, 7 and 8 as amended, to deliberate on the following matters:
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system.
 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. Student discrimination appeal - decision on hearing officer recommendation.
 - B. Status of pending litigation or administrative cases.
 - C. 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, Mr. Culpepper, Dr. Green, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

Note, School Board Member Ms. Manning did not vote, was attending via Zoom and could not participate in Closed Session. Ms. Manning left the meeting at approximately 11:48 p.m.

The School Board recessed into Closed Session at 11:49 p.m.

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

- B. Status of pending litigation or administrative cases; and
C. 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, Dr. Green, 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.

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 13 of 14

A. Student discrimination appeal - decision on hearing officer recommendation: School Board Members: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, 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.

Kamala H. Lannetti, school board attorney and Donald E. Robertson Ph.D., superintendent left the Closed Session at 11:52 p.m. Kamala H. Lannetti, school board attorney, returned to the Closed Session at 11:59 p.m.

The School Board reconvened at 12:00 a.m., Wednesday, November 27, 2024.

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.

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

Chair Melnyk read the following resolution:

STUDENT DISCRIMINATION APPEAL 11/26/24

WHEREAS, the parent of a Tallwood High School student filed a racial discrimination complaint regarding a student discipline investigation made by a staff member related to a March 18, 2024, incident; and

WHEREAS, on March 22, 2024, the parent and student complained about how the investigation of the March 18, 2024, did not comply with applicable policy and regulation. On July 3, 2024, an Investigator from the Department of School Leadership provided a written investigation report concluding that there was not sufficient evidence of harassment or discrimination by the school but provided recommendation regarding other actions that could be taken; and

WHEREAS, on October 10, 2024, a hearing officer conducted a hearing at which the complainant and the School Administration had the opportunity to present witnesses, evidence and argument. The hearing officer issued a written opinion on October 31, 2024, that determined that there was no evidence to support overturning the Department of School Leadership's investigation report; and

School Board of the City of Virginia Beach
School Administration Building #6, Municipal Center
2512 George Mason Drive
Virginia Beach, VA 23456

Tuesday, November 26, 2024
School Board Regular Meeting
Page 14 of 14

WHEREAS, on November 26, 2024, the School Board deliberated on the October 31, 2024, hearing officer's decision, the transcript of the October 10, 2024, hearing.

NOW, THEREFORE, IT IS DETERMINED

1. That the October 31, 2024, hearing officer's determination is upheld.
2. That the School Administration is ordered to notify the student and parent 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 27th day of November 2024.

Chair Melnyk called for a motion. Mr. Culpepper made the motion, seconded by Mr. Callan. Without discussion, Chair Melnyk called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the resolution: Chair Melnyk, Vice Chair Franklin, Ms. Anderson, Ms. Brown, Mr. Callan, Mr. Culpepper, Dr. Green, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

- 18. Adjournment:** Chair Melnyk adjourned the meeting at 12:04 a.m., Wednesday, November 27, 2024.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Kimberly A. Melnyk, School Board Chair