



VIRGINIA BEACH CITY PUBLIC SCHOOLS

CHARTING THE COURSE

School Board Services

Kathleen J. Brown, Chair
District 10

Carolyn D. Weems, Vice Chair
District 9

Mark Bohenstiel
District 3

Michael Callan
District 6

David Culpepper
District 8

Matt W. Cummings
District 7

Rose M. Dwyer
District 1

Sharon R. Felton
At-Large

Dr. Alveta J. Green
District 4

Kimberly A. Melnyk
District 2

Melinda J. Rogers
District 5

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

School Board SPECIAL Meeting MINUTES

Tuesday, May 6, 2025

School Administration Building #6, Municipal Center
2512 George Mason Drive
P.O. Box 6038
Virginia Beach, VA 23456
(757) 263-1000

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

- 1. Call to Order and Roll Call:** Chair Brown convened the special meeting of the School Board at the School Administration Building #6, School Board Chamber at 5:00 p.m. on the 6th day of May 2025. Chair Brown announced pursuant to Bylaw 1-46, and Virginia Code § 2.2-3707, three or more School Board Members have requested that a special meeting be called Tuesday, May 6, 2025 at 5:00 p.m. at the School Administration Building #6, at the Municipal Center, 2512 George Mason Drive, Virginia Beach VA, for the following purposes:
 1. Closed session for consultation with legal counsel regarding the status and impact of recent court orders in pending federal lawsuits related to challenges to federal Executive Order #14190 issued on 1/29/25.
 2. Presentation on status of federal lawsuits related to challenges to federal Executive Order #14190 issued on 1/29/25.
 3. Information on Motion to amend previous vote, namely, to amend the April 8, 2025 School Board Resolution To comply with legal obligations in exchange for receiving federal financial assistance to pause the below listed portions of the April 8th Resolution until the federal courts have ruled whether Executive Order #14190 can be enforced:
 - a. Resolution Sections 1, 3, 4, 5 and 6.
 - b. Resolution Section 2 the second sentence regarding suspension of all educational programs offerings that do not comply with the above federal guidance, including but not limited to: the Equity Plan, the Equity Dashboard, and any educational program offerings that would not comply.
 4. Public comments regarding information on the above Motion to amend.
 5. A vote on the motion to amend previous vote.

In addition to Mrs. Cheryl R. Woodhouse, chief of staff, who stood in for Superintendent Robertson (professional leave), the following School Board Members were present in the School Administration Building #6, School Board Chamber: Chair Brown, Vice Chair Weems, Mr. Bohenstiel, Mr. Callan, Mr. Cummings, Ms. Dwyer (arrived at 5:07 p.m.), Ms. Felton, Dr. Green, Ms. Melnyk, and Ms. Rogers.

- 2. Moment of Silence followed by the Pledge of Allegiance**
- 3. Adoption of the Agenda:** Chair Brown called for any modifications to the agenda as presented. Hearing none, Chair Brown called for a motion to approve the agenda as presented. Mr. Cummings made the motion, seconded



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by Ms. Rogers. Without discussion, Chair Brown 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 Brown, Vice Chair Weems, Mr. Bohenstiel, Mr. Callan, Mr. Cummings, Ms. Felton, Dr. Green, Ms. Melnyk, and Ms. Rogers. The motion passed, 9-0-0.

Note: Ms. Dwyer was not present during the vote.

4. **Closed Session:** At 5:04 p.m., Vice Chair Weems made the following motion, seconded by Ms. Melnyk that the School Board recess into Closed Session in accordance with the exceptions to open meetings law set forth in Code of Virginia §2.2-3711, Part A, Paragraphs 7, and 8 as amended, to deliberate on the following matters:

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Namely to discuss:

- A. Status of pending federal litigation regarding Executive Order #14190 and implications for School Board and School Division regarding compliance.
- B. Consultation with legal counsel regarding probable litigation and pending litigation matters.

Chair Brown 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 Brown, Vice Chair Weems, Mr. Bohenstiel, Mr. Callan, Mr. Cummings, Ms. Felton, Dr. Green, Ms. Melnyk, and Ms. Rogers. The motion passed, 9-0-0.

Note: Ms. Dwyer was not present during the vote.

The School Board recessed into Closed Session in the School Administration Building #6, Einstein Lab at 5:09 p.m.

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

- A. Status of pending federal litigation regarding Executive Order #14190 and implications for School Board and School Division regarding compliance: School Board Members: Chair Brown, Vice Chair Weems, Mr. Bohenstiel, Mr. Callan, Mr. Cummings, Ms. Dwyer, Ms. Felton, Dr. Green, Ms. Melnyk, and Ms. Rogers; Kamala H. Lannetti, school board attorney; Cheryl R. Woodhouse, chief of staff; and Regina M. Toneatto, school board clerk.

Cheryl R. Woodhouse, chief of staff, left the Closed Session at 5:44 p.m. and returned at 5:46 p.m.

The School Board reconvened in the School Board Chamber at 6:13 p.m.

Certification of Closed Session: Vice Chair Weems read the Certification of Closed Session:

WHEREAS, the School Board of the City of Virginia Beach has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and



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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. Cummings made the motion, seconded by Mr. Callan for Certification of Closed Session. Without discussion, Chair Brown 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 Brown, Vice Chair Weems, Mr. Bohensiel, Mr. Callan, Mr. Cummings, Ms. Felton, Dr. Green, Ms. Melnyk, and Ms. Rogers. The motion passed, 9-0-0.

Note: Ms. Dwyer was not present during the vote.

5. **Presentation on Status of Federal Lawsuits related to challenges to federal Executive Order #14190:** Kamala H. Lannetti, school board attorney, provided a public presentation on the status of federal lawsuits related to challenges to federal Executive Order #14190. A brief history of Executive Order #14190, *Dear Colleagues Letter*, and Frequently Asked Questions USDOE were reviewed. Title VI of the Civil Rights Act of 1964 was mentioned. An overview of the following pending federal lawsuits was provided: District Court of New Hampshire: NEA, et al, v. USDOE Case 1:25-cv-00091-LM; District Court of Maryland: American Federation of Teachers, et al, v. USDOE Case 1:25-cv-00628-SAG; and District Court for the District of Columbia: NAACP v. USDOE. The next steps included cases will proceed with briefing and discovery, hearings – may go to courts of appeal and Supreme Court, opinions, preliminary injunctions can be appealed while cases are pending, and possible clarifications by USDOE.

The presentation continued with questions and comments regarding VDOE and training; vagueness of rulings, First Amendment rights; right to receive information; courts have not made a final determination; DEI; April 8 Resolution; Title VI; following state laws, compliance with laws; best practices; liability; policies; guidance on next steps; anti-discrimination laws remain in effect; vagueness, no direction with executive order, need to pause and wait for judges; how to respond to community; majority vote on April 8, revisiting the will of the School Board; USDOE; request to pause the April 8 resolution, renamed office, upcoming Policy Review Committee meeting; educational policy; changes based on federal law; impacted programs; and pending court cases.

6. **Information on Motion to amend:** Kamala H. Lannetti, school board attorney, shared the Motion to amend as in the meeting notice to call: motion to amend previous vote, namely, to amend the April 8, 2025 School Board Resolution To comply with legal obligations in exchange for receiving federal financial assistance to pause the below listed portions of the April 8th Resolution until the federal courts have ruled whether Executive Order #14190 can be enforced:
- Resolution Sections 1, 3, 4, 5 and 6.
 - Resolution Section 2 the second sentence regarding suspension of all educational programs offerings that do not comply with the above federal guidance, including but not limited to: the Equity Plan, the Equity Dashboard, and any educational program offerings that would not comply.

The resolution sections were briefly reviewed.

7. **Public Comments:**

There were forty (40) in person speakers, including three (3) student speakers and seven (7) online speakers. The topics included DEI policies; acceptance of students; reinstate DEI; court decisions; equity plan; vote on resolution; legal guidance; First Amendment; student needs; Policy 5-4; Executive Orders not law; inclusive

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approach to education; Robert's Rules of Order, amending a previous vote; student needs; federal funding; Civil Rights Act; code of ethics for School Board; revisions to Policy 5-4; DEI resolution and no public comment; protect and care for all students; equality and equity; discrimination; fairness; freedom of speech; transparency and community input; ADA; every child needs to be valued; and understanding DEI.

The Public Comments concluded at 9:30 p.m.

The School Board took a brief recess at 9:30 p.m. The meeting resumed at 9:36 p.m.

- 8. *Vote on the Motion to amend previous vote:*** Chair Brown called for a motion to amend previous vote, namely, to amend the April 8, 2025 School Board Resolution To comply with legal obligations in exchange for receiving federal financial assistance to pause the below listed portions of the April 8th Resolution until the federal courts have ruled whether Executive Order #14190 can be enforced:

- A. Resolution Sections 1, 3, 4, 5 and 6.
- B. Resolution Section 2 the second sentence regarding suspension of all educational programs offerings that do not comply with the above federal guidance, including but not limited to: the Equity Plan, the Equity Dashboard, and any educational program offerings that would not comply.

Ms. Melnyk made the motion, seconded by Mr. Cummings. Chair Brown made a brief comment about Robert's Rules of Order and the motion. A discussion followed regarding the motion; motion in compliance with Robert's Rules of Order; amend what was voted upon; not ruling the motion out of order; call for meetings to be clear, simple, not vague; opinions by pro and con on matter; best education for all students; helping students of all backgrounds; VBCPS programs; First and Fifth Amendment and risks; resources for students; learning in classrooms, thank you to all teachers; support for motion, pause is fair to community; programs to continue (i.e. IEPs, free and reduced lunch, special education); needs of students; Policy 5-4; upcoming Policy Review Committee meeting; legal compliance; and federal funding.

Without further discussion, Chair Brown mentioned a yes/aye vote is to pause and a no/nay vote is not to pause. Chair Brown read the motion again and then called for a vote. The School Board Clerk announced there were five (5) ayes in favor of the motion: Mr. Cummings, Ms. Felton, Dr. Green, Ms. Melnyk, and Ms. Rogers. There were five (5) nays opposed to the motion: Chair Brown, Vice Chair Weems, Mr. Bohenstiel, Mr. Callan, and Ms. Dwyer. The motion was lost, 5-5-0.

- 9. *Adjournment:*** Chair Brown adjourned the meeting at 10:19 p.m.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Kathleen J. Brown, School Board Chair