

# POLICY REVIEW COMMITTEE MEETING MINUTES

King's Fork High School  
351 King's Fork Road, Suffolk, VA 23434  
Media Room, 2<sup>nd</sup> floor  
March 24<sup>th</sup>, 2025

## Present:

### Members

- ✓ Mrs. Kimberly Slingluff, **Committee Chair**
- ✓ Mr. Sean McGee, **Committee Member**
- ✓ Mrs. Karen Jenkins, **Committee Member**

### Participants

- ✓ Dr. John B. Gordon III, **Superintendent**
- ✓ Wendell M. Waller, Esq. **School Board Attorney**
- ✓ Renee Davenport, **Legal Administrative Assistant**

### Attendees

None

## ➤ Call to Order.

- The meeting was called to order at 3:33 PM. Minutes from the February 24, 2025 meeting were reviewed and approved.

## ➤ Unfinished Business

### • POLICY SECTION 1-6.2:1 – Transgender Policy

- Attorney Waller informed the committee that he merged the current policy into the VDOE model policy as indicated by strikeouts. Everything is now based on the model policy. Committee Member McGee has reviewed this draft policy and has no concerns. Committee Member Jenkins presented a scenario of a student who considers himself transgender. She asked what does this policy change look like for this student now? Dr. Gordon and Attorney Waller explained the differences in student rights verses parent rights. Discussion ensued regarding the processes and the rights of parents. Attorney Waller removed the language that the Superintendent is to develop regulations since it is not in the model policy. He explained that the previous policy needed regulations in order to exercise discretion. The model policy doesn't leave any room for discretion, so regulations are not needed. Dr. Gordon explained that the previous policy spelled out the procedures because we were concerned about the rights of students; so, we basically gave different steps along the way to ensure that student privacy was going to be protected, and then the student, together with teachers, administrators, and the student's family would all come together to develop a plan. We were following the model policy while still trying to preserve student rights. The model policy is heavily favoring parental rights and parental decision making. So, if we run into a situation where the parents are dead set against whatever it is the

student wants to do, according to the model policy, the student would have no say in the matter and the parent would be the ultimate decision maker. Committee Member Jenkins commented that even though the parent is the parent, we still should allow our students to be heard. Is there something we can put in the policy so that the student would have some type of say?

Discussion took place regarding definitions and concerns regarding: (1) liability for the schools; (2) effective date if model policy is passed; (3) how this change would affect those who are already in process of complying with the current policy; (4) whether a grace period would be allowed; (5) would any counseling services be allowed for transgender students. The model policy does away with counseling services for transgender students. It was pointed out that children are always in search of someone to talk to and this is eliminated through the model policy. Committee Chair Slingluff suggested that there be outside counseling services for students. There was further discussion regarding threats of suicide and whether language should be included that would direct the superintendent to develop regulations. After much discussion, the committee decided to present the policy to the board as an information item. This would allow for discussion among the board and to receive public feedback.

- **POLICY SECTION 2-2.6:1 – Norms and Protocols (Slingluff/Waller Versions)**

- The Committee compared the recommendation of Attorney Waller and Committee Chair Slingluff.
  - Committee Chair Slingluff felt it was ambiguous to say that “board members should help each other to depersonalize disagreements and she has never seen a process to do this since being a member. Therefore, in place of “depersonalizing disagreements” Committee Chair Slingluff added the language to “refrain from pressuring, intimidating, etc.” because at times she’s felt pressured. She also questioned language that Board Members are to support the “will of the board”.
  - Attorney Waller emphasized that once the board has voted on something that individual board members should not take actions to undermine the decision made by the board. It doesn’t mean that you don’t have your opinion or that you need to change your opinion. However, if a person goes out and tries to mobilize people to speak against a vote that has already taken place, it is considered problematic and this is the idea behind this language. Some of this language is aspirational. It is what you as a board should aspire to. Conversation continued on what is aspirational and what isn’t.
  - Committee Member McGee stated that he believes that board members should be respectful and as long as board members are not using derogatory language and calling each other names, it’s just part of the back and forth of politics. He disagrees with the idea that just because the board passes something and he disagrees with it or his borough disagrees with it, he shouldn’t speak up or get others to come before the board and speak about it. He thinks that it is part of the process and doesn’t think that we should try to silence opposing viewpoints. He also thinks these norms and protocols should be black and white. How do we legally reign in a rogue board member? They are elected officials.
  - Discussion was held regarding having “closed sessions” to discipline board

members. Committee Chair Slingluff disagrees with holding closed meetings to discipline board members. Attorney Waller commented that the board should consider its image to the public. You do not want to air your “dirty laundry”. The public is made aware of what was decided during the closed meeting because you take a vote and it’s read to the public. Does the public need to be aware of the specifics? It is important to consider how much of the specifics, if aired, would cast a negative light on the whole board? Discussion continued on private and public information being released. Attorney Waller reminded members of the committee that under Virginia law, you are not required to have closed meetings. Closed meetings are permitted. Committee Member McGee would like to have information disclosed publicly. He would like the public to see if we have a “problem child” on the board, a member consistently not abiding by norms and protocols, and consistently causing problems. If the public is made aware of the board member’s behavior, they can then decide whether they would like for that board member to continue representing them on the School Board. Committee Member McGee said that has been fielding questions regarding the Board’s action to discipline Board Member Brittingham. Attorney Waller will add language that indicates a category for aspirations and what items are accountable for violations.

- Committee Member McGee commented on the Social Media section of this policy which he drafted. He uses social media a lot as a tool to reach the community. Committee Member McGee is of the opinion that the current policy was written to put a muzzle on board members regarding their use of social media. It violates 1<sup>st</sup> amendment rights and tries to silence board members from using social media.
- Committee Member Jenkins agreed that social media can be used to communicate to a wider audience, but there should be some type of guidelines on what we communicate. We have had board members who purposefully try to put employees’ contracts and personal information and try to draw negativity towards SPS.
- Committee Member McGee commented that we may not like it but he doesn’t think we can control what is being communicated. Even if they put negative information out there about the school district, it’s still 1<sup>st</sup> amendment, and they should have that right. If people put negative stuff out there about the school system, it’s still 1<sup>st</sup> amendment and they should have that right to do so and we should not take that right away from them. If it violates the law, then absolutely. However, we shouldn’t control our communications to the public. Committee Member Jenkins responded that when they do say negative things and board members call board members out about putting stuff on social media, the board member can’t complain about their feelings being hurt when they are the ones that posted the information.
- Dr. Gordon asked if social media should be used to gather information to make decisions and if so, how do you validate that information that you are getting?
- Committee Member McGee stated that as a board member, when we vote, we don’t have to listen to anybody. We can vote however we feel and we can get information from other people that we may use as mentors or even someone from outside the State, and it doesn’t matter. He stated that he’s

willing to have that conversation with anybody, no matter where they come from. Committee Chair Slingluff added that we collect information from 100 different sources and we don't know where they are from and there is no way to know if they are 100% vetted when they come before the board to speak.

- Attorney Waller commented that one of the things as a board you should be somewhat sensitive to is what board members post on social media and the impact it can have. People believe whatever is posted by board members to be true and so it is important for board members to put things on social media that are accurate. That is why he inserted the language in section 8B of his draft policy. It states that school board members must not post information that is not verified or has not been made available to the public or should never post anonymously about division business. Committee Member McGee commented that he understands why that was put in there but it doesn't stop people legally. If he posted something anonymously somewhere, you would have to prove that and that can't be done.
- Committee Chair Slingluff doesn't want norms or protocols that can be used to "hogtie" a board member. How can you verify information that is posted anonymously? Dr. Gordon stated that it would take some work but it can be done. Committee Chair Slingluff said are we going to put it on these groups like "Suffolk Moms" or "Parents for better schools" and tell them that they cannot post anything from a school board member anonymously? Dr. Gordon responded that the school board member should have that conversation with these groups if they decide to use social media. He continued by explaining that even when there are individual postings on personal pages, board members must keep in mind that their posts can have consequences. Dr. Gordon pointed out that he doesn't have a dog in this fight, but if board members can't hold other board members accountable, who will? It can't just be that the accountability is every four years at election time. We have been through way too much drama here in the city and with this board that board members think they can do my job, Mr. Waller's job, Ms. Forsman's job and then intimidating staff and other board members. There needs to be a process in place for disciplining members of the board when they violate norms or protocols.
- Attorney Waller reminded the committee that when developing any policy, you have to look at the wording that is used but you also have to ask yourself how will it be implemented. Language like "refrain from pressuring, intimidating, or accusing" is subjective, and not objective. Therefore, he pointed out in his draft policy that he made use of language that would require an objective standard for determining if the norm or protocol for speaking to fellow board members was violated. Committee Chair Slingluff commented on the norm that requires board members to support the will of the Board. Committee Chair Slingluff went on to state that unless it is spelled out clearly what the blatant action is, how do we prove that action was taken against the "will of the board"? Attorney Waller offered this example. The board votes to take a particular action. A board member does not agree with the vote. The board member goes to the news media criticizing individual board members for the action that it took. How would you feel about that? Committee Chair Slingluff responded that this example proves her point and is the reason why she

doesn't like this norm. A member of the board would have the right to do go the media and criticize the action of the board. We may not like it but that is their right to do that. Committee Member McGee agreed and said, it's a part of politics. Committee Chair Slingluff continued stating that putting things in policy that are not clearly objective, gives opportunity to wield things against board members.

- The Committee also discussed removing wording from protocols regarding "interfering with the responsibilities delegated to the superintendent" and "visiting schools." Dr. Gordon reminded Committee members that the same protocols that we ask board members to follow when entering school buildings, he follows as well. He doesn't just walk and wander in the school. Asking board members to notify the superintendent before making a visit to the school, will not make the visit any less authentic. Authentic visits occur anytime a board member enters a building for a visit — no one is putting on a show. Dr. Gordon went on to explain the importance of contacting him before visiting schools to ensure that the visit will not interfere with school operations. Testing, emergency/safety drills, or some other school related event/activity might be occurring and a school visit by a board member may not be appropriate at that particular time. Dr. Gordon reminded the Committee that we don't just have adults walking around our school. That is part of the awareness that we are training our security staff to do. The principal is in charge of the building and that is why there is a request to check into the office. Discussion was held on different visits by board members to various schools. The committee agreed to table this policy and Attorney Waller will review both policies again and separate what is considered aspirational verses what is considered a norm or protocol.

- **POLICY SECTION 7-7.1 – Political Activity (McGee/Waller Versions)**

- Committee Member McGee commented that he appreciated Attorney Waller's definition of political activity. Regarding communication to the public, Committee Member McGee asked what should communications look like when coming from Suffolk Public Schools or representing the school as a whole? Attorney Waller responded that whether a particular communication is considered political activity is a subjective, that is why in his policy draft he specifically excluded from the definition of political activity "providing information to the school community regarding laws passed, communications enacted, ...". If a law has been enacted that affects the operations of SPS, then that information should be sent out from the office of the school superintendent. In terms of whether that language has some political undertones will be the opinion drawn by the reader. Committee Member McGee agreed but in terms of the "Immigration" letter that went out, his concern was that the letter was opinionated. If there is some concern among staff and parents, then the board should be made aware of the letter before a letter goes out. Dr. Gordon stated that he and Committee Member McGee discussed this topic before and the chair was made aware of the letter before it was sent. Committee Member McGee responded by saying, the current chair will not be there forever, suppose you have a chair that shuts you down completely; wouldn't you want the support of the full board? Dr. Gordon responded that if the chair wasn't favorable or not, we can go through the process of having the chair poll

the board regarding that decision. Committee Member McGee believed that the full board should be made aware and that the chair holds too much responsibility and shouldn't be put on a pedestal. Committee Member McGee expressed the opinion that all members of the board should be empowered. Dr. Gordon stated that he understood, but technically, the board should just be made aware. Some may have felt that the letter had political undertones, others felt that the letter addressed the safety needs at the schools since there had been a drop-in school attendance. Dr. Gordon reminded the Committee that we have to be able to reference the federal law because the federal law and possible arrest by ICE is what caused students to be fearful about coming to school. Dr. Gordon pointed out that the letter was vetted by VASS legal counsel. Committee Chair Slingluff was of the opinion that the letter should have had a more positive tone. Regarding local races for political office, Committee Member McGee expressed the opinion that the superintendent should not meddle in local races for school board. Dr. Gordon pointed out that he uses his platform to support his staff when they have been wronged. Committee member McGee and Attorney Waller will talk and come up with another draft policy regarding political activity. Committee Member McGee said that he will review the draft policy again and get back with attorney Waller but feels like it addresses everything. This will be moved to unfinished business for the next PRC committee meeting.

➤ **New Business**

- Section 7-16.1 will be tabled to the next meeting for consideration.

➤ **Business by Committee Members**

- Committee Member McGee commented that he sent out an email relative to the superintendent's interaction with members of council on matters that will require vote by council. He would like Attorney Waller to take a look at it. This was a concern of Mayor Duman. The Mayor was concerned that the superintendent should not be approaching council members or city staff without first briefing the board. Dr. Gordon was trying to clarify if the mayor is saying that he doesn't want the superintendent to lobby with city council members to make sure they vote for the school budget. Committee Member McGee stated that Mayor Duman felt that it was crossing the line and considered governance interference. Dr. Gordon gave background information to the committee on the context of what the mayor is asking and what he is trying to achieve by asking it. Attorney Waller pointed out that advocating for approval of the school divisions operation budget is not considered forbidden political activity in the draft policy that is currently before the Committee. Committee Member McGee stated that he was directed by the board chair to bring it up at the policy review meeting.
- Next meeting will be held Monday, April 21st, 2025 at 3:30 at King's Fork High School.

➤ **Adjournment at 6:03 PM.**