

POLICY REVIEW COMMITTEE MEETING MINUTES
Suffolk City Hall
442 W. Washington Street,
Council Chambers Conference Room
Suffolk, VA 23434
June 8, 2023

Present:

Members

- ✓ Dr. Dawn Brittingham, ***School Board Member***
- ✓ Dr. Judith Brooks-Buck, ***School Board Member***
- ✓ Mrs. Phyllis Byrum, ***School Board Member***

Participants

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

Attendees

- ✓ Mrs. Heather Howell, School Board Vice Chair
- ✓ Mrs. Kimberly Slingsluff, School Board Member
- ✓ Dr. Deborah Wahlstrom
- ✓ Ms. Marjie Irvin
- ✓ Mr. Matthew Hintlian

➤ **Meeting called to order.**

- Dr. Judith Brooks-Buck called the meeting to order and welcomed everyone.

➤ **Review and approval of minutes from 5-11-23 meeting.**

- Dr. Brooks-Buck asked if anyone had any corrections to minutes that were previously emailed to the committee. None were noted. Mrs. Byrum moved that the minutes be approved and there was a second by Dr. Brittingham. The minutes were approved.

➤ **Unfinished Business**

• **Section 10-18.2 — Public Safety, Parent and Student Rights**

- Attorney Waller reviewed the changes to this policy. This policy involves reports to be made to law enforcement. Section G list certain offenses occurring on school property that must be report to law enforcement and they include alcohol, drug offenses, and theft of prescription medication that may constitute a federal offense, sexual assault, serious injuries to persons, stalking, written threats against school personnel, offenses involving weapons and bomb threats. Assault and batteries are not mandated reportable offenses if they do not constitute a felony, but may be reported. Threats made against school personnel by a student with a disability may be reported but reports are not required. In Section (H) the MOU (Memorandum of Understanding) with the local police department must address use of seclusion and

restraint in school settings. This policy revision is required by Virginia Code Section 22.1-279.9.3:1 and Section 22.1-280.2:3.

➤ **New Business**

• **Chapter 9, Article 28 — Name, Image and Likeness**

- Dr. Brooks reviewed changes to this policy. Attorney Waller gave a summary stating that this is a new Article that is being recommended to your Board policies. This Article will allow students to earn compensation from use of their name, image and likeness consistent with VHSL regulations. Compensation (i) cannot be contingent on specific athletic performance; (ii) cannot be provided as an inducement to attend a particular school; (iii) must be commensurate with market value (iv) cannot be provided by the school or an agent of the school; (v) cannot interfere with the student's academic obligations; (vi) cannot interfere with the student's athletic obligations; (vii) student does not miss athletic practice, competition, travel, or other team obligations. Students must also comply with all National Collegiate Athletics Association (NCAA), National Association of Intercollegiate Athletics (NAIA), and National Junior College Athletic Association (NJCAA) requirements. A student is allowed to receive compensation for officiating, instructing, teaching or coaching skills in a sport/activity and the student may use their name, image and likeness to promote or advertise the availability of instruction. A student can also receive compensation for non-school promotional use of the student's name, image and likeness. No school logos, marks, or mascots can be used. A student can also receive compensation for their autograph in conjunction with a non-school promotional activity. A student can also use the services of a professional service provider, but the service provider cannot be a member of the school. At student is not allowed to reference their high school activities at their school when promoting a business activity. Students are not permitted to promote activities associated with adult entertainment, contraceptive products, alcohol, gambling, tobacco and smoking products, opioids and prescription medication, controlled substances and weapons. A student's name, image and likeness cannot be used by an equipment company or manufacturer to publicize the fact that the school uses its equipment. Alumni associations and booster clubs are not allowed to use a student's name, image or likeness. Any student who violates the policy may lose eligibility for one or more activities. This policy is not required but may be adopted pursuant to Virginia Code Section 22.1-78.
- Dr. Brooks-Buck asked Dr. Gordon to shed some light on this policy because she had some concerns as a parent of a couple of athletes.
- Dr. Gordon stated that he asked staff to write this policy because Virginia High School League guidelines came out a about six weeks ago. We need to get ahead of this so that hopefully this will be adopted before the fall sports season begins in 2023. We do have some high-profile students in Suffolk and part of the reason why I asked Mr. Waller and Dr. Leigh to write this policy is because I'm also concerned about individuals in the Hampton Roads area trying to take advantage of these student athletes and really cause them to lose their eligibility. 90% of what you see here came directly from the Virginia High School League guidelines. I had several conversations with the Director – Dr. Billy Haun who asked my opinion on a lot of this in order to put this forward and I'm in full support of this and hoping that we will

be able to have first reading in July and second reading in August which should coincide with the season.

- Dr. Brittingham asked if there will be some sort of paperwork provided that the students will have to sign off on to agree with this?
 - Dr. Gordon said that it will be two-fold and each student who has who has any potential offers will have to alert the school to what that is as well as if they are under 18 it would also require parent signature. The main thing that we want to focus on is educating the students to these guidelines. Virginia High School Leagues actually believes that 90% of any money that our student makes will come off of social media presence and that seems to be the main thing that we are seeing at the college level as well. Since our kids are always using social media, we think that it's going to be the same. After this policy is adopted we plan on spending that entire month and really most of the 2023-24 year educating our student athletes on the do's and don'ts. The paperwork will be kept with the principals as well as the directors in the buildings.
 - Dr. Brittingham asked what are the consequences of them becoming ineligible?
 - Dr. Gordon replied that you are usually suspended for that athletic season and that is a violation of the Virginia High School League guidelines. The second part depending on how serious the consequences could be, the student could actually loose his eligibility for an entire year and potentially have to apply for reinstatement.
 - Mrs. Byrum asked who will really assist our students in making wise decisions?
 - Dr. Gordon replied that we are going to make this a part of the parent session to make sure the parents and students are informed and educated, we are also going to put some of the responsibility on the coaches to make sure they are aware. We also want to be fair to staff because they are not responsible for looking at every student to make sure that they are following the guidelines.
 - Dr. Brooks-Buck commented that she is concerned about all the directors and the people that will be approaching these students and the affect it could have on them when it comes to things that these students can't handle and on social media because people can be cruel. She is glad that we have a handle on it and are putting something in place.
 - Dr. Brittingham asked Dr. Gordon if he was concerned that putting this policy in place might force some of these students to leave and go somewhere else to bypass this. The guidelines are already in place unless they are leaving the State. North Carolina and some of these other states are basically following suit. We think it's going to be consistent but my concern is that people are going try to put all of the ownership on VHSL but these are our students and the ownership starts with us. Its too fold so that the kids understand the process but also the consequences that go along with it. The committee agreed to pass this on the Board for review.
- **Section 1-8.3 — Evaluation of the Superintendent**
 - Dr. Brooks-Buck reviewed proposed changes to this policy and stated that the evaluation instrument we used is a standard that is used throughout the State. The State decided several years ago to make it a uniform evaluation, so the standards are in place that we must use. Attorney Waller continued by stating that when evaluating the school superintendent, this suggested policy revision lists components to be considered. They include student academic progress, an overall summative rating, identification of areas of individual strengths and weaknesses, recommendations for appropriate professional activities, and an evaluation of cultural competence. Components for the evaluation of school superintendents are

required by Virginia Code Section 22.1-253.13:5 of the SOQs and Guidelines for Uniform Performance Standards and Evaluation Criteria for Superintendents in Virginia. No questions were present and the committee agreed to pass this on the Board for review.

- **Section 2-2.9 — School Accreditation Required**

- Dr. Brooks-Buck noted the changes to the policy. Attorney Waller stated that this suggested policy revision amends subsection B by inserting in place of Virginia Index of Performance Program (VIP) with Exemplar School Recognition Program. The School Board will recognize individual schools that exceed Virginia Board of Education requirements or show continuous improvement on academic and school quality indicators aligned with the Commonwealth goals for public education. Virginia Code Section 22.1-253.13:9 under the SOQs allows the Board of Education to establish such a program. Subsection C will allow the School Board to seek release from state regulations by submitting a request to the State Board of Education on behalf of one or more schools, and in place thereof have an Individual School Accreditation Plan to evaluate the performance of one or more of its schools. This policy revision is allowed under Virginia Code Section 22.1-253.13.3, subsection H of the SOQs. No questions and policy moved on to the full board.

- **Section 2-7.1 — Minutes of all Meetings Required**

- Dr. Brooks-Buck relayed the changes to the policy. Attorney Waller stated that this policy revision requires minutes of all open meetings of the School Board be posted within seven days of their final approval on the school division's website. Only committees of the School Board with a majority of Board members are required to post minutes on the division's website. This change in policy is required by Virginia Code Section 2.2-3707.01. Attorney Waller stated that our school board does not have a majority of the school board serving on any of your committee so posting requirement would not apply to any of their committees. No questions were presented and the policy is being moved on the board.

- **Section 4-4.1 — System of Accounting**

- Dr. Brooks-Buck read the proposed changes. Attorney Waller stated This policy revision adds Subsections B and C. In subsection B, it defines what is meant by school activity funds. They include funds derived from all extracurricular activities, which includes athletic contests, cafeterias, facilities fees, club dues, vending machines, activities involving personnel, students or property. Subsection C requires that there be an accurate record of all receipts and disbursements of school activity funds in accordance with regulations of the Virginia Board of Education and rules of the School Board. Added language is also being recommended to subsection E that monthly reports are prepared and filed in the office of the principal or division superintendent and the cost of audits can be charged against the school activity funds. This change in policy is required by regulations promulgated by the State Board of Education found at 8 VAC20-240-10, 240-20 and 240-40.
- Dr. Brooks-Buck commented that in the old policy we kept up with these kinds of things. At least once each year the school board submits a report of all the estimates of expenditures. Are there substantial changes from what was done before?
- Dr. Gordon replied that we already practice this.
- Mrs. Byrum asked don't we receive a booklet of the audited activities.

- Dr. Gordon replied yes.
 - There being no further comments or questions, the policy will be moved on to the full Board.
- **Section 5-6.3 — Computer System**
 - Dr. Brooks-Buck read the proposed changes and asked Attorney Waller to speak on subsection F. Attorney Waller commented that this additional language is being recommended under subsection F to include that use of any application developed by ByteDance or Tencent Holdings cannot be downloaded or used on any device or equipment of Suffolk Public Schools, short form Tic-Toc. In subsection G users of Suffolk Public Schools' internet system agree to indemnify the School Board for any losses, costs, or damages for violation of this policy or Technology Use Guidelines. This change in policy is required by Virginia Code Section 2.2-5514.1. There being no questions regarding this policy, it will be moved on to the full Board.
- **Section 7-16.7:2 — Military Reserves Leaves of Absences.**
 - Attorney Waller informed the committee that this is a new policy regarding reservists. Any employee of Suffolk Public Schools in the military reserves will be entitled to leave of absence when called into service by the Governor. Reservists are eligible to receive up to 15 days paid leave. While on military duty, full-time employees will have their military pay supplemented by Suffolk Public Schools to enable the employee to continue receiving their base pay with Suffolk Public Schools, less any supplements or stipends. The employee and employee's dependents can also continue to participate in the group health plan for up to 24 months while on military leave. The employee will be responsible for the employee share of costs for coverage while on leave of absence. Supplemental insurances will be billed separately. When the employee returns from military service, the employee will be treated as if there was no break in service. Vesting and benefit accrual under VRS will be subject to rules of VRS. The employee is also allowed to make up the employee's contributions to any contributory retirement plan for a period of up to three times the period of military service, but not to exceed five years. Reservists who have been absent from employment as a result of military service can be reemployed if their absence was for less than five years. This policy is necessitated by federal law and Virginia Code Section 22.1-289.2. No questions or concerns were noted and policy has been moved on to the full Board.
- **Section 7-24.1 — Assignment and Reassignment.**
 - Dr. Brooks-Buck read the policy changes. No questions or comments from the committee, so the policy is moved on to the full Board.
- **Section 7-29.1 — Resignation of Employees.**
 - Dr. Brooks-Buck noted the policy changes. Attorney Waller stated that when a teacher breaches their employment contract after the teacher's request to be released from employment is denied, the School Board can request that the Board of Education issue the teacher a written reprimand or suspend the teacher's license. This change in policy is authorized by Virginia Code Section 22.1-304. No questions or comments and the policy is moved on to the full Board

- **Section 8-33.3 — Verified Units of Credit.**
 - Dr. Brooks-Buck read the proposed changes. Committee agreed that there was no discussion needed and the policy is moving on to the full Board.

- **Section 9-22.1 — Fees.**
 - Attorney Waller informed this is a total re-write of your policy regarding fees. The policy will allow Suffolk Public Schools to assess student fees for loss or damage to school property, but no fee can be charged unless approved by the School Board. The following fees are allowed under this policy — parking or locker rental; extracurricular activities; class dues; field trips that are not required instructional activities; musical instruments; distance learning; summer school unless required as remediation; lost or damaged library books, school equipment and materials; lost or damaged text books; and a student's pro rata cost for transportation to extracurricular activities. Fees may not be charged as a condition for school enrollment, instructional programs or activities, textbooks except for damage or lost books, pupil transportation, or summer school programs. Any fee cannot exceed \$750 plus any collection fee charged by a 3rd party collection agency. The superintendent is granted the authority to set the fee schedule. Fees can be reduced or waived for students receiving financial assistance from the state. And each time a fee is charged parents must be given notice of their right to have the fee reduced or waived. Non-payment of an assessed fee could result in exclusion from the fee related activity. If recommended by the school superintendent, the School Board can pursue legal action against any parent for any actual loss, breakage or destruction of school property. This change in policy is authorized by Virginia Code Section 22.1-6 and regulation 8VAC20-720-80 of the State Board of Education.
 - Mrs. Byrum asked if the \$750 fee is that for everything as a total. Attorney Waller said that the superintendent will develop the guidelines to regulate this but he thinks it addresses that fee for any single violations that a person cannot be assessed for any more than \$750.
 - No further concerns presented regarding passing this policy on to the full Board.

- **Section 10-18.1:1 — Involvement with Educational Institutions.**
 - Attorney Waller informed This is a new model policy from VSBA. It grants to local school boards the authority to enter into arrangements with other educational institutions whose goals are compatible with those of Suffolk Public Schools. This policy also allows Suffolk Public Schools to have college students and professors to observe classes and interact with students with the approval of the school superintendent. In subsection B Suffolk Public Schools will strive to improve the educational climate by expanding the fiscal base, the efficient expenditure of funds, and bringing about state and federal legislation that will improve education or contribute to the goals of Suffolk Public Schools. Suffolk Public Schools will also cooperate with professional educational organizations whose goals are compatible to those of Suffolk Public Schools. This policy is not required by Virginia Code but can to adopted by the local school board pursuant to Virginia Code Section 22.1-78. Attorney Waller added that he has reviewed recently memorandums of understanding involving colleges and universities where the students are allowed to get their clinical hours by working in Suffolk Public Schools and the are able to provide counseling services to students in Suffolk Public Schools and thereby

- receive their clinical requirements toward their degree.
- Dr. Brooks-Buck asked how does that differ from what we did in the past?
 - Attorney Waller stated that he believes this policy just reflects what we already have in place. Also, on the administrative level, we have had people pursuing their doctoral degrees to work with school administrators as part of their degree program, so this pretty much lines up to what the practice has been.
 - Dr. Gordon agreed with what Attorney Waller said because some of these new policies are based on feedback that school divisions have received because this was already happening and they really wanted to make sure that some legal language is in place like the sentence to not “disrupt intrusions” or to “protect students and teachers”. So there have been situations not in Suffolk but other places where people have tried to take advantage of that openness so to speak.
 - The committee agreed to pass this on to the full Board.
- **Chapter 4, Article 6 — Purchasing of Goods and Services**
 - The committee agreed to table this policy until the next meeting due to time constraints.
- **Business by Committee Meetings.**
- Dr. Brooks-Buck shared with the Committee that there is a budget narrative in the budget book and it might answer questions that were sent that were not a part of the Chapter 4, Article 6 policy. The budget narrative about everything that we spend that explains what our goals, our strategies and how it connects to student achievement.
 - Dr. Brittingham disagreed that the questions were not covered in that budget book.
- **Next meeting to be on July 13th at 4:15 PM.**
- **Meeting was adjourned.**