

POLICY REVIEW COMMITTEE MEETING MINUTES
Suffolk City Hall
442 W. Washington Street,
Council Chambers Conference Room
Suffolk, VA 23434
May 11, 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

- ✓ Dr. Deborah Wahlstrom

➤ **Meeting called to order.**

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

➤ **Review of approval of minutes from April 6, 2023 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**

- There was no unfinished business.

➤ **New Business**

• **Section 2-2.6:1 School Board norms; protocol; violations —**

- Dr. Brooks reviewed changes to this policy. Attorney Waller elaborated stating that there are two significant revisions recommended to this policy. Section (A)(6) inserts language that when a school board member requests a report from the school administration that does not currently exist as a public record under VFOIA and the creation of that report will require more than 60 minutes of staff time to create, the full Board must approve the request. The other recommended revision is found in Section (C). This amendment authorizes the school board chair, in consultation with the attorney for the School Board, to review all claims alleging violation of norms and protocols to determine if the claim constitutes a prima facie violation and should be presented to the full School Board. This policy is not required by Virginia Code but

- can be adopted by the local school board pursuant to Virginia Code Section 22.1-78.
- Dr. Brittingham asked if this policy would apply to any citizen that makes a FOIA request. Dr. Brooks-Buck replied that it would not. She stated that this policy is for school board members and continued with giving an example of a school board member that might request to see all of the reports on something for the last 10 years. We don't have a report on this but would have to put this report together. This would cause a disruption in the day-to-day operations of school. Under FOIA if a document does not exist, we don't have to create it. We are looking back to see what the board is not supposed to do under norms and protocols and that is disrupt the day to day operations of school.
 - Dr. Brittingham stated that she does not agree with this restriction. She doesn't think that you should put any constraints on board members that are any different than a citizen when it comes to FOIA. She thinks that this a violation of a board member's right to ask for information. Attorney Waller stated that this policy actually gives a board member greater rights than a citizen would have because a citizen cannot request a record that does not exist whereas a board member can request such a document as long as it doesn't take more than 60 minutes to create.
 - Mrs. Byrum asked Dr. Gordon if a lot of our documents are on computer and we can quickly access them? Dr. Gordon answered "yes". So many things that a board member asks for would fall under that 60-minute limit, correct? Dr. Gordon stated that it would depend on the scope of the request. Discussion continued on this change and then the change to paragraph "C" was considered.
 - Dr. Brooks-Buck addressed the changes in paragraph "C" stating that when the "Norms and Protocols" were first created issues regarding violation of norms and protocols were initially discussed with the Chair. It wasn't until later that allegations were turned over to the full board. Her concern would be a "valid" reason for going into a closed meeting? It would seem that if two people disagree then the two people should have a discussion rather than having a discussion with board members in a closed meeting. Is that a valid reason or have we violated FOIA by going into a closed meeting or should there be steps before we get that far?
 - Dr. Brittingham stated to Dr. Brooks-Buck should recuse herself from this conversation because an allegation has been made that Dr. Brooks-Buck has violated norms and protocols. Dr. Brittingham further stated that she and Mrs. Byrum should be discussing this suggested policy revision and not Dr. Buck. Dr. Brooks-Buck responded by saying that she has pressed counter-charges and Dr. Brittingham wouldn't be able to discuss it as well because the charges include her. Dr. Brittingham stated that her opinion is that this policy needs to be tabled because there is a conflict of interest. Dr. Brooks-Buck said she thinks that the Board would have to look at it and nothing has happened yet and the case is not on the agenda until June. Mrs. Byrum stated that originally the Board agreed that members would discuss things with each other when a disagreement arose before going any further. She agrees that the attorney can look at the "Norms and Protocols" and determine if there is a violation or possibility of a violation. Attorney Waller stated that there are a few things to keep in mind. Assuming that there will be a closed meeting next month because of a violation of "Norms and Protocols", this policy is not going to be in effect then unless the Board waives a 2nd reading, but even with that this policy is not going into effect until July, which will be after whatever happens in June so he doesn't see any conflict if they decide to recommend this policy to the full board. The other thing is that this language allows someone who has no involvement in the disagreement

to objectively look at the allegations and formulate an opinion as to whether it should go forward or not. In order to maintain some sense of working relationship among board members, this is probably not a bad idea to have an independent person to review when claims are being made about violations to see if they should go forward or not. Dr. Brittingham asked if the independent person would be the Chair? Attorney Waller answered that hopefully the Chair (he or she) is not going to be subject to a violation but if so the chair would then recuse and ask another board member or the attorney to review it. Dr. Brittingham stated that none of suggestions are written in the policy. Attorney Waller stated that when it comes to writing policy it's hard to address every situation that may arise so you do what is called broad brush and hope that common sense comes into play when the situations arise. Mrs. Byrum suggested that language be inserted that if the Chair is the one involved in the violations, someone else like the Vice Chair, etc., would review the violation with the attorney. Discussion arose as to using the words Chair or Vice-Chair, Chair or Designee. All agreed that wording Chair or Designee will be used in the policy.

- After further discussion, the policy will be moved to the full board to consider.

- **Section 8-11.7 Family Life Education —**

- Dr. Brooks-Buck reviewed proposed changes to this policy. This is the School Board's policy regarding the Family Life Education Curriculum. The suggested revision includes language that the Family Life Education Curriculum will be reviewed at least once every seven years to determine whether the curricula reflects contemporary community standards, and if not, to revise as necessary. This revision is required by Virginia Code Section 22.1-207.1:1. Mrs. Byrum asked about the seven-year requirement. Attorney Waller said that it can always be viewed at any time. This policy will be moved to the full board to consider.

- **Section 8-12.1 Driver Education —**

- Attorney Waller stated that sections (B), (C), (D) and (E) have been added. Section B adds to the driver education program a parent/student driver component to the program, that consists of an additional 90 minutes, except that no student 18 years or older, emancipated, or unaccompanied minor is required to participate in the parent/student driver education component. The parent/student driver component emphasizes parental responsibilities regarding juvenile driver behavior, juvenile driver restrictions, the dangers of driving while intoxicated and underage consumption of alcohol and dangers of distracted driving.
- Section (C) will allow the School Board to establish fees for behind the wheel and that the School Board may waive the fee or surcharge, in whole or in part, for students who cannot pay the fee or surcharge.
- Section (D) students participating in the driver education program must meet academic requirements established by Board of Education, no student will be permitted to operate a vehicle without a learner's permit, and certification the student must satisfy compulsory school attendance.
- Section (E) all Driver Education Instructors must have a valid driver's license and maintain a satisfactory driving record. Six or more demerit points in a 12-month period will result in the teacher being suspended from teaching driver education for a period of 24 months. All of these changes are required under Virginia Code Section 22.1-205. No questions and policy moved on to the full board.

- **Section 8-24.3 Supplemental materials —**

- Attorney Waller informed the committee that section (A) provides a definition for supplemental materials. Supplemental materials are used to assist the teaching and learning process. In Section (B), the School Board delegates the selection and use of supplemental materials to the individual schools. Teachers are to carefully review supplemental materials prior to use and are to exercise a high degree of professional judgment in their selection. Teachers are to follow guidelines and procedures adopted by the superintendent. This policy is not required by Virginia Code but can be adopted by the local school board pursuant to Virginia Code Section 22.1-78. Mrs. Byrum asked Dr. Gordon how do you set up those guidelines? Dr. Gordon answered that Dr. Lawson-Davenports' team sets up the core content subject areas guidelines and anytime there are materials that are requested or adopted by the school division, they actually meet with a group of teachers to come up with the guidelines, the teachers have buy-in and that information is distributed either that summer or during the teacher pre-service week to make sure they are followed. Then it is up to the content supervisor to ensure that that information is being relayed in the classroom. Dr. Brooks-Buck asked if this is also covered under our school policy that parents have the option to pick optional material if necessary? Dr. Gordon replied yes. Dr. Brittingham asked Dr. Gordon how does he know that across grade levels the teachers are utilizing the same content of materials? Dr. Gordon explained that they don't all have to have use the same content and materials. We actually have additional materials that we use for schools who have greater deficits to ensure that it's actually in line with the curriculum. It really comes back two-fold to the professional learning community and the meetings that they hold where the teachers get together per grade level to discuss what they are going to use. Then there is instructional monitoring from the administrators which includes lesson plans as well as their observations verify that what they talked about in the PLC (professional learning communities) is actually being implemented in the classroom. Dr. Brittingham asked Dr. Gordon if the administrators actually report back to him in a timely way to confirm that it's actually occurring. Dr. Gordon replied that each school has to do a certain number of observations based on their enrollment. There are walk throughs at certain times during the year and there are formal observations because those PLC meetings are done weekly for instructional monitoring and get feedback. The building principal is the one who will make sure those guidelines are being implemented and if they see an issue. Policy is being moved on the board.

- **Section 9-8.1 Absences from school —**

- Attorney Waller stated that section (C)(2) and (3) added additional grounds that will allow students to be absent from school without violating compulsory attendance. Section (C)(2) allows two school days per academic year for participation in a 4-H program or activity. Students may be given credit for participation in a 4-H activity except when SOL assessments are taking place or the student has been suspended or expelled from school.
- Section (C)(3) allows a student to be absent from school who are members of a state or federally recognized tribal nation headquartered in Virginia to attend the nation's pow wow as long as the parent of the student provides advanced notice to the school. These changes are required by Virginia Code Section 22.1-254. No questions from the committee and policy is being moved on to the full board.

- **Section 9-11.3:1 Extracurricular activities —**

- Attorney Waller informed the committee that this is a new policy recognizing the value of extracurricular activities and that participants and responsible adults taking part in extracurricular activities are expected to demonstrate the same level of responsibility while taking part in extracurricular activities that they do in the classroom. This policy encourages sportsmanship, ethics and integrity. This policy is not required by Virginia Code but can be adopted by the local school board pursuant to Virginia Code Section 22.1-78. Dr. Brittingham asked Dr. Gordon how did they plan on enforcing this. Dr. Gordon replied that we already do. We basically use the guidelines that we already have from the Virginia High School League and kind of filtered it down to middle school and elementary school. There were no further questions. The policy is being moved on to the board.

- **Section 9-11.5 Minute of Silence —**

- Attorney Waller stated that this is the policy on the minute of silence. The main substantive change is found in Section (B). Students are allowed to exercise individual choice as to whether to meditate, pray, or engage in any other silent activity which does not interfere with the individual choice that is being exercised by others during the minute of silence. Limiting language found in Section (C) is recommended for deletion. This is required by Virginia Code Section 22.1-203. Policy is being moved on to the board.

- **Section 9-20.7 Student immunizations —**

- Dr. Brooks-Buck reviewed the basic changes. Language is being added to Section (B)(iii) and (E)(ii) that will allow a licensed nurse practitioner to issue certifications regarding student immunizations. The remaining changes are grammatical. “His” is being replaced with “the student.” This change in policy is required by Virginia Code Section 22.1-271.4. There being no questions from the committee, the policy is being moved on to the board.

- **Section 9-20.11:2 Psychotropic medications —**

- Dr. Brooks-Buck asked Attorney Waller to explain this new policy. Attorney Waller replied that this policy prohibits employees of Suffolk Public Schools (SPS) from recommending the use of psychotropic medications for any student. SPS employees can recommend that a student be evaluated by an appropriate medical practitioner with the written consent of the student’s parent. Section (B) defines psychotropic medications to mean those medications that alter mental activity or state. This policy is required by Virginia Code Section 22.1-274.3. Dr. Brooks-Buck stated that this would suggest that no teacher can tell a parent that they need to put their child on medication for their behavior. Committee agreed to move the policy on to the board.

Note: Attorney Waller stated that the next three policies the committee will be looking at involve the Virginia Freedom of Information Act.

- **Section 10-3.3 FOIA officer. —**

- This policy revision requires that the name and contact information for the FOIA officer be posted on the division’s website and at the School Board Office. Also, that the

FOIA officer receive training once every two years. This policy change is required by Virginia Code Section 2.2-3704.2. No questions from the committee, policy moved on the full board.

- **Section 10-3.4 FOIA response time. —**
 - The policy codifies what is included in the VFOIA regarding time to respond to public record requests — which is five work days not including weekends and holidays. In Section (C) no public record can be completely withheld because a portion of the record contains information not required to be disclosed under the VFOIA. Those portions of the record subject to a record exclusion can be withheld, but the remaining portion of the public record must be disclosed. In Sections (C), (D), and (E), superintendent or superintendent's designee has been replaced with "FOIA Officer." This policy change is required by Virginia Code 2.2-3704. No questions from the committee, policy moved on the full board.

- **Section 10-3.5 Who can request public records, etc. —**
 - This policy revision also codifies language from the VFOIA. Only citizens of the Commonwealth and representatives of the media with circulations in the Commonwealth or broadcasting in the Commonwealth can submit a public record request. In Section (B) a public record can be a writing or recording prepared or owned by or in the possession of a public body, its officers, or employees or agents in the transaction of public business. In Section (D) estimates for public records can be requested in advance. In Section (E) records can be requested over the phone and a writing is not required but the request must identify the public record with "reasonable specificity." The requestor may also request to receive records in an electronic format used by SPS in the regular course of business. If SPS should have questions about a request, SPS can request additional information. This policy change is required by Virginia Code 2.2-3704. No questions from the committee, policy moved on the full board.

- **Section 10-17.2 Learning resources —**
 - Attorney Waller informed the committee that this policy deals with complaints about learning resources. In Section (C), if there is an appeal to the School Board, the appeal will be an on the record view. Live testimony will not be presented before the School Board. This is allowed by Virginia Code Section 22.1-253.13:7, Standard 7 of the SOQs. The SOQ requires local school boards to have a procedure whereby parents can object to instructional materials. Policy 10-17.2 is the procedure for use by parents when they object to certain instructional materials. When there is a hearing before the Board, it will be "paper" hearing. The Board will receive the parent complaint, the administration's response, and any other pertinent information. Based on information received by the Board, the Board will then make-a-decision. Dr. Brittingham asked if this circumvented the closed meeting or are we having a different way of doing this? Attorney Waller replied that it doesn't circumvent it. The school board can always decide who will attend a closed meeting. Dr. Brittingham then stated so, the school board by way of this policy could determine that a parent is not allowed in the closed meeting because this is not dealing with their student directly where their child is being disciplined or anything like that. No questions from the committee, policy moved on the full board.

- **Section 10-18.2 Reports to Law Enforcement —**

- Attorney Waller informed the committee that section (C) list certain offenses occurring on school property that must be reported to law enforcement. They include alcohol, drug offenses, and theft of prescription medication. Assault and batteries are not mandated reportable offenses, 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 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. The committee decided to table this policy to the next meeting as Dr. Brittingham had some questions regarding this policy.

- **Business by Committee Meetings.**

- No other business concerns addressed.

- **Next meeting to be on June 8th at 4:15 PM.**

- **Meeting was adjourned.**