

POLICY REVIEW COMMITTEE MEETING MINUTES

Curtis R. Milteer, Sr. Recreational Center
Conference Room
132 Robertson Street, Suffolk, VA 23438
Suffolk, VA 23434
September 25, 2023

Present:

Members

- ✓ Dr. Judith Brooks-Buck, **School Board Member**
- ✓ Mrs. Phyllis Byrum, **School Board Member**
- ✓ Mrs. Heather Howell, School Board Vice Chair

Participants

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

Attendees

- ✓ Members of the public

➤ Meeting called to order.

- Dr. Judith Brooks-Buck called the meeting to order and welcomed everyone to the meeting of the policy review committee.

➤ Review of corrections that were made to the minutes.

- Minutes of Policy Review Committee held on the July 13th, 2023 and August 7th, 2023 were approved with noted corrections.

➤ New Business – Before reviewing the new policy updates, Dr. Brooks-Buck did an overview of how the changes to policies are referenced.

➤ Review of Section 1-5.9. Filing a Formal Complaint of Discrimination –

- The recommended revisions will provide additional language and bring the policy in line with the current practice of Suffolk Public Schools. Any complaint of discrimination submitted beyond 45 days of the occurrence is subject to dismissal. The number of days is also being changed to “calendar” days and not “school” days. Should the school superintendent determine that the complaint is not timely filed, there can be an appeal to the full School Board. This change in policy is permitted under Virginia Code Section 22.1-78.
- Board Member Howell expressed concerns with subsection “D” and the option that the grievance or complaint can be dismissed if it’s not timely filed. Board Member Howell went on to state that she didn’t have a problem with the timeline but that the Superintendent has the authority to dismiss the case because a timeline isn’t met.
- Attorney Waller stated that it is important to have a cut-off date for filing complaints to allow for a timely investigation when potential witnesses recollection of events

remain fresh.

Members reviewed language regarding good cause for not filing a complaint within 45 days of the occurrence. Members further discussed the timelines/limits in reporting complaints, appeals, investigations, recommendations, dismissals as well as the superintendent's responsibility/authority for handling administrative tasks in addressing these complaints. Dr. Gordon reminded the Committee that whether a case is dismissed or not, there will be an investigation and a final report. Mrs. Byrum asked about the timeline and where the 45-day option came from, and what is being done by other local schools? The 45-day limit came as a recommendation from the VSBA throughout the State but the Board has its own flexibility. The Committee agreed to refer this policy to the full School Board for first reading.

➤ **Review of Section 1-6.12. Abusive Work Environments Prohibited –**

- This policy incorporates into the abusive work environment policy the same processes that are in place under the discrimination part of the policy. The 45 days for filing a complaint and the investigative steps, etc. are all carried over into the policy regarding allegations of an abusive work environment. The Committee agreed to refer this policy to the full School Board for first reading.

➤ **Review of Section 1-8.7. Comprehensive Plan Required –**

- In subsection A, the School Board will be required to adopt a unified, long-range comprehensive plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement and posted on Suffolk Public Schools' website, if practicable. In subsection B, with the 2024-2025 school year, the division-wide comprehensive plan must also include a division-wide literacy plan for pre-kindergarten through grade eight, which must also be posted on Suffolk Public Schools' website along with contact information for any reading specialist and for any dyslexia specialist. In subsection D, along with the division wide plan, each school is also required to develop a similar plan. This change in policy is required by Virginia Code Section 22.1-253.13:6. Dr. Gordon informed the committee that it has to be in affect by 24-25 school year, and the Board will receive information regarding plan development in either August or October 2024 after student achievement results have been filed. The Committee agreed to refer this policy to the full School Board for first reading.

➤ **Review of Section 2-2.1. Powers and Duties Generally –**

- This policy sets forth powers and duties of the School Board. In subsection (A)(28), the School Board is to survey, at least annually, specialized student support positions. Specialized support positions include school social workers, school psychologists, school nurses, licensed behavior analysts and assistants, and other health and behavioral positions. The School Board is to (1) ensure that the information sheet regarding the Supplemental Nutrition Assistance Program (SNAP) benefits program is sent home with each student enrolled in an elementary or secondary school; (2) that a fillable free or reduced meal application is sent home with each student enrolled in an elementary or secondary school; and (3) ensure that for any back to school night event, any parent in attendance will receive notification about application and eligibility for free or reduced price meals for students. This change in policy is required by Virginia Code Section 22.1-79 and 22.1-253.13:2. All students in Suffolk Public Schools receive free lunch and breakfast, so even though

this language is required it has no bearing on Suffolk Public Schools. Attorney Waller also referenced section (A) 27 and made mention that there are 3 situations that require a public hearing by the School Board: (1) consolidation of schools; (2) transferring of public schools to private; and (3) redistricting. These are the only three (3) areas in law that local school boards are required to hold a public hearing. The Committee agreed to refer this policy to the full School Board for first reading.

➤ **Review of Section 2-2.7. Standing Committees –**

- Any member of the School Board who has been appointed by the Chair to serve on a special committee can also be removed from the committee by the chair without action by the School Board. This change in policy is permitted by Virginia Code Section 22.1-78. This policy came as a recommendation from the VSBA. Board Member Howell stated that she viewed the VSBA webinar on special committees. Some divisions create a special committee when they have a “new” school to build to handle the design, location, the effectiveness, etc. Another example, could be dress codes. The Committee added language to the Policy that the Chair “may” appoint replacements to standing committees when a member has been removed. The Committee agreed to refer this policy to the full School Board for first reading.

➤ **Review of Section 2-4.2. Electronic Participation at Meetings –**

- This policy will allow any member of the School Board or any member of a committee of the School Board to participate in meetings electronically. School Board members are limited to two meetings a year for personal reasons. This change in policy is permitted by Virginia Code Section 2.2-3708.3. Dr. Brooks-Buck commented on the fact that in this age of technology we might want to make it easier for citizens to participate in meetings. Attorney Waller suggested that the Board may want to ask the General Assembly to increase the number of meetings that members can attend remotely. The current law limits the number of meetings that members can attend electronically to 25%. The Committee agreed to refer this policy to the full School Board for first reading.

➤ **Review of Section 2-8.1. Early Appearance –**

- Members of the public are invited to attend and encouraged to observe any open meeting of the School Board, including any meeting held by any committee of the School Board. Also, at any regular meeting of the School Board open to the general public, any member of the Suffolk Community may address the School Board on matters pertaining to services, policies and affairs relating to the Suffolk City School Board or Suffolk Public Schools, or they may submit their remarks in writing to the Clerk of the School Board. Expressive activities, whether religious or secular, include, but are not limited to the following, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, and conducting polls. Any member of the Suffolk Community who would like to appear and speak before the School Board are required to complete the online Request to Speak form and submit the completed form to the clerk of the School Board. Only Members of the Suffolk Community as defined in the policy would be allowed to speak before the School Board. Committee members discussed whether those not meeting the definition of a member of the Suffolk Community should be allowed to speak. Attorney Waller explained what is a “limited public forum”. Mrs. Byrum asked if there is a time limit on late appearances and there is no time limit for the total amount of time allocated

for late appearance. Each speaker has five (5) minutes but the total amount of time has no limit. Mrs. Byrum commented that this allows the citizens and actual stakeholders of Suffolk an opportunity to speak. Dr. Gordon said that the policy also added students and employees of Suffolk Public Schools. The Committee agreed to refer this policy to the full School Board for first reading.

➤ **Review of Section 2-8.2. Late Appearance –**

- This policy will also limit late appearances to members of the Suffolk Community. The time for notifying the clerk has been changed to 12 noon of the day of the regular meeting and that the member of the Suffolk Community must complete the online Request to Speak form. This change in policy is permitted by Virginia Code Section 22.1-78. The Committee agreed to refer this policy to the full School Board for first reading.

➤ **Review of Section 2-9.2. Definitions –**

- This is language from the Virginia Conflict of Interest Act. Included in the definition section is a definition for Foreign country of concern to mean any country designated by the Secretary of State to have repeatedly provided support for acts of international terrorism pursuant to the National Defense Authorization Act for Fiscal Year 2019. School Board members are not allowed to receive a gift from a foreign country of concern. This change in policy is required by the Virginia Conflict of Interest Act Virginia Code Section 2.2-3103.1. This policy will be moved on to the full Board for the first reading.

➤ **Review of Section 2-9.3. Nepotism Rules –**

- Language in subsection C has been added to allow the School Board to, in a limited situation, employ or pay any family member of the superintendent. This change in policy is permitted by Virginia Code Section 2.2-3119. The committee reviewed the difference between subsection A and subsection C as to whether they contradict each other. Attorney Waller explained that the terminology means, if you can meet the qualifications under subsection C, then subsection A does not apply. This policy will be moved on to the full Board for the first reading.

➤ **Review of Section 2-8.3. Public Speakers Before the School Board –**

- Attorney Waller suggested that the language read by the Board Clerk become the policy of the School Board. Board Member Howell had concerns about placing limits on speech and that item no. 2 and no. 3 are too subjective.
- Board Member Dr. Brooks-Buck stated that citizen behavior has gotten out of hand at the meetings and that the insults are unnecessary and childish. It lowers the professionalism in the meetings to a level that no one needs to be involved in and is unnecessary in a business meeting. Board Member Howell stated that you can't legislate human decency.
- Dr. Buck stated that you can have a business meeting that is a business meeting especially when children are involved and watching. To have adults come to the meeting and demonstrate bullying, and if kids did that in school, they would be suspended and not allowed to speak because it's inappropriate. Attorney Waller stated that there is something in the law that is know as "fighting words" and "fighting words" are not protected under free speech under the First Amendment. Fighting words include such things as racial-slurs that tend to incite violence. Mrs. Byrum

agrees that this policy is necessary for what she has witnessed over the last 4 or 5 years. It has progressively gotten worst and it's unfortunate that something has to be put in place. If you cannot control yourself then you should not be in that public forum. This policy will be moved on to the full Board for the first reading.

➤ **Business by Committee Members –**

- Board Member Howell commented on Board Member Brittingham not being **able** to attend the Policy Review Committee meetings at the scheduled time. The Committee discussed the duties of elected officials making sacrifices, and the pro and cons of having the meetings early. The Committee also discussed having the Chair reassign members to serve on the Policy Review Committee.

➤ **Meeting was adjourned.**

- Next meeting is scheduled for October 23, 2023.