

**Policy Review Committee Meeting Minutes
December 14, 2022
Curtis R. Milteer Sr. Recreation Center
132 Robertson, Suffolk, VA 23438**

Present:

Members

- ✓ Dr. Judith Brooks-Buck, ***Chair School Board Member***
- ✓ Mrs. Phyllis Byrum, ***Vice-Chair Board Member (Virtual Attendee)***

Participants

- ✓ Wendell M. Waller, ***School Board Attorney***
- ✓ Renée Davenport, ***Administrative Assistant***

Observer

- ✓ Mrs. Lorita Mayo, ***School Board Member***

➤ **Call meeting called to order.**

➤ **New Business**

SECTION 7-2.2 (TAB 33) Work schedules; working hours for employees not exempt; working hours less than and more than 40 hours.

This is a complete re-write of this policy. Workday for full time licensed and professional staff is a minimum of seven hours and thirty minutes. Administrative meetings, planning meetings etc., may require hours beyond the stated minimum. Elementary teachers are provided at least an average of thirty minutes for planning time. Full-time middle and high school teachers are provided one planning period per day or the equivalent, as defined by Board of Education, unencumbered of any teaching or supervisory duties. If a middle or secondary classroom teacher has more than the standard load of students or class periods per week, an appropriate contractual arrangement and compensation must be provided. Non-exempt employees under FLSA should not work more than 40 hours a week, unless approved in writing by the superintendent or superintendent designee. Non-exempt employees who work less than 40 hours a week will be paid their regular rate based on actual hours worked.

Vice-Chair Byrum questioned whether this applies to teachers that have worked the 7th block. Attorney Waller replied that those working the 7th block get extra pay. Mrs. Byrum was wondering if they get their planning period? Attorney Waller will ask the Superintendent if they do.

Attorney Waller informed the committee that the word “secretary” will be replaced with “administrative assistant” in all policies. No questions were proposed.

SECTION 7-7.1 (TAB 34) Rights of employees to engage in political activity; restrictions on political activity.

This policy is pretty much a re-write. It adds language that school property should not be used for partisan political purposes. When an employee engages in political activity, the employee must not use his/her position to further a political cause, engage in any activity supporting or opposing a candidate or political party while on duty during school hours, suggest that the school division supports or endorses a particular candidate, or use school division property to engage in any activity supporting or opposing a candidate for public office. These restrictions are not intended to limit rights of school division employees, but to minimize distractions from instruction. This is an expansion of our existing policy. No questions were proposed.

SECTION 7-8.1 (TAB 35) Personnel files required; access allowed; unfounded information; dispute resolution; Teacher Performance Indicators; Written release required except in limited situations.

Attorney Waller stated that this may be a policy that some people would be concerned about because it will delete the words, "No separate file shall be maintained regarding an employee which is not available for the employee's inspection. For example, a building principal may have their own separate note file about conversations, meetings, notes about behaviors that teachers or other school employees may not be aware of or have access to. Mrs. Byrum asked if the employee is on an action plan, would this be included in that? Attorney Waller said that the administrator could have their own private notes under that action plan but if that information is later going to be used against that employee, the employee could have access to the notes that are being used to discipline the employee. The other addition to this policy is that written permission from the employee is required before releasing employee information except in limited situations, such as court orders. The employee will be notified whenever there is a request for records. No further questions were proposed.

SECTION 7-20.2 (TAB 36) Certification requirement; fingerprinting and descriptive information required; costs for fingerprinting; sharing of criminal record information; when employment denied.

Deleted subsection C that would allow the School Board to hire an individual employed in good standing on or before December 17, 2017 who has been granted a simple pardon by the Governor and has had civil rights restored. Before this change, the school board could not hire anyone who was convicted of a felony. This section is being deleted because Virginia Code Section 22.1-296.1 now allows local school divisions to hire individuals who have been convicted of a felony if the felony conviction is not a barrier crime (e.g. serious bodily injury or death). Examples of crimes that are not barrier crimes would be check forgery, drug possession, etc. No questions were proposed.

SECTION 7-23.1:1 (TAB 37) When notice of employment required generally; notice of reduction in force.

Adds language indicating when there can be a reduction in force. For example, when there has been a decrease in the approved budget, consolidation of schools, phasing out of programs, department or grade levels. Also, the superintendent is to develop reduction in force guidelines. Reductions in force are not to be made solely on the basis of seniority. Attorney Waller indicated this would avoid having to always let new employees go first. No further questions or comments were proposed.

SECTION 7-26.3 (TAB 38) Professional Staff development; participation required.

Added language that each teacher and counselor employed full time is required to complete mental health awareness training or similar program. Every employee holding a license issued by VDOE is required to complete cultural competency training every two years beginning with this current school year. Mrs. Byrum asked if this applied to support staff as well, don't they need training too? Attorney Waller replied that it did not but these are base requirements so if the committee wanted to add language to the policy they could. Mrs. Byrum said that she thinks personally that it should apply to everyone because they need to understand the mental issues that some students are facing. If you are not trained then you don't understand sometimes. Attorney Waller asked if they would like to add the language for the fulltime and part-time as well? Dr. Brooks-Buck said that we have many employees coming on as substitutes because of the teacher shortage. Attorney Waller commented that we could change the wording to include all employees of SPS are required to complete mental health awareness training and it could be an online training similar to the blood-borne pathogen training that we have. Mrs. Byrum commented that she thinks in the near future it will be a requirement anyway. No further questions or comments were proposed.

SECTION 7-27.2 (TAB 39) Primary Purpose of Evaluation Process; Guidelines for Uniform Performance Standards, etc.

Removed as one of the primary purposes for teacher evaluations "to improve the quality of instruction by ensuring accountability for classroom performance and teacher effectiveness." Attorney Waller commented that he is not sure why this requirement is being removed from the model policy. Dr. Buck indicated that one of the things that they proposed to do when they started this whole teacher evaluation was to connect the teacher evaluation to the students learning ability to learn or not learn. The research does not support that whole premise. For example, learning multiplication is one of the steps to doing division well. The teacher who does division may be the 3rd or 4th grade teacher who taught but we can't go back and figure out which teacher may not have taught this well enough for the child to do the division in the past. These are human beings not widgets, so you can't hone in on which person left the screw off the table. So, it may be that some of this evaluation tools that didn't work are trying to be corrected now. Dr. Buck commented that one state had mass firings of teachers because students were not making progress and then they had to back track because they were losing teachers. No further questions or comments were proposed.

SECTION 7-31.5 (TAB 40) Suspension of Staff Members, etc.

This section initially only applied to teachers. The revision makes it applicable to all employees. When an employee has been convicted of a felony, the employee may have his/her employment suspended. Added language that "no employee can be suspended solely on the basis of refusal to submit to a polygraph examination requested by the School Board." Added language that if an employee is suspended because of information appearing on the employee's criminal background check, the employee is provided with a copy. Added language that when an employee is placed on probation by the court it is deemed to be a finding of guilt. Attorney Waller commented that often time when an employee is charged with a felony, the school system will suspend the employee pending the outcome of that case. Their salary is often placed in an escrow account for up to one year. If the employee is found not guilty, the employee is then allowed to return to work and

monies held in escrow are returned to the employee. If the employee is found guilty, they may then be recommended for dismissal and the funds are not returned to the employee. The court may find the evidence is sufficient for a finding of guilt but withhold the finding for a period of time. During this time period, the employee may be placed on probation. Upon good behavior at the end of the probationary period, the charge may be dismissed. This policy change will give the division the option to dismiss the employee in cases where there is sufficient evidence for a finding of guilt and the employee was placed on probation. No further questions or comments were proposed.

SECTION 7-32.1 (TAB 41) Outside employment.

This policy is a re-write. Employees are allowed to engage in outside employment as long as it does not detract or interfere with their employment with the School Board. An employee on leave cannot be employed in any capacity. The School Board will not assume liability for any injury that happens while an employee is engaged in outside employment that is not sponsored by the School Board. Dr. Brooks-Buck asked about employees that take on outside employment during COVID who were still collecting their paychecks, do we have a policy in place that would address that or a consequence for that behavior? Attorney Waller indicated that there were two categories of employees that engaged in what may be considered as inappropriate behavior during COVID. One group was the group that continued to get their pay and then went and applied for unemployment benefits. That situation is being handled by the Virginia Employment Commission because for the most those payments resulted in overpayments that will have to be repaid to the Commission. However, the way that this impacts the school division is that when it comes to unemployment benefits, the school division contributes to payment of benefits. So, the rate that the school division pays goes up. It's almost like health insurance. When you use your health insurance a lot, the rate goes up. Attorney Waller indicated that they may be hard to address that in a school policy. Dr. Buck indicated that she hopes that the consequences of what employees received for having applied for these extra benefits, will cause them not to attempt that again. Attorney Waller indicated that he thinks the word has gotten out that if you do something like this, the financial implications of that can be severe because some employee's received large amounts of money that had to be paid back to the Virginia Employment Commission and are struggling now to pay it back. No further questions or comments were proposed.

SECTION 8-11.7 (TAB 44) Annual Review Required; Right of Parental Review; Program Summary.

The School Board will review family life education curriculum at least once every seven years. A copy of printed materials not subject to copyright protection will be provided to parents for review during the school year. A summary of the Family Life Education program is also made available for public viewing on the division's website. Dr. Buck commented that if a parent has an objection it would have to be on specific material not on a whole class. Attorney Waller commented that they would have to go through the established protocol for issuing a complaint regarding instructional material. Mrs. Byrum asked if a parent wanted, could they opt out? Attorney Waller responded that under the Family Life program, he thinks they could opt out or request an alternative assignment. No further questions or comments were proposed.

SECTION 8-13.1 (TAB 46) Free Appropriate Public Education; Individualized Education Program; etc.

This adds language that parents of students with disabilities will be provided guidance regarding Applied Studies Diploma and its limitations in grades 3 through 12 at the annual IEP when curriculum or statewide assessment decisions are being made that will impact the type of diploma. Dr. Brooks-Buck commented that they know that they have the opportunity to change at the IEP meeting to get the standard diploma track or being taken off. Attorney Waller commented that they would be notified early enough starting in grade 3 so that it would not be too late for students to be on the standard diploma track. No further questions or comments were proposed.

SECTION 8-14.1 (TAB 47) Gifted Programs encouraged; multiple criteria for identification; annual report required; advisory committee to be appointed.

This added language that the School Board supports a comprehensive plan of education for gifted students. The development process for the plan includes opportunities for public view of the plan. The plan will be accessible through the division's website and printed copies will be made available to citizens who do not have online access. Attorney Waller commented that there have been several comments made by speakers at public meetings stating that the Board does not support gifted education. This policy reaffirms the fact that we do. Dr. Buck commented that she likes the fact that we support multiple types of assessments. In the past we only used the IQ tests for the gifted and research has found that different things can be used for identifying gifted students. That is one of the things that prevented participation by minority students and resulted in the underrepresentation of different cultures of students. So, it's good that we are looking at different procedures that are being used.

SECTION 8-14.2 (TAB 48) Notice to Parents of Advanced Placement and Special Programs.

This is a re-write of this policy. It adds language that students and parents will be notified of dual enrollment and advanced placement classes, career and technical education programs. This includes internships, externships, apprenticeships, credentialing programs, certification programs, etc. The superintendent is to develop regulations to implement this policy. Attorney Waller commented that this policy ensures that parents are made aware of some of the advanced placement and special programs offered by Suffolk Public Schools. Dr. Buck commented that this is critical and we need to make sure that we do it early. Until she became a parent of a middle school student, she didn't realize how much information was not getting to people. Parents need to be made aware of what courses the child needs to take in order to be able to take advantage of some of these programs. Dr. Buck is glad to see this in place and would like to make sure that we implement this the right way.

SECTION 8-18.1 (TAB 49) Alternative Programs.

This policy adds language that no person of school age meeting the residency requirements will be charged tuition for enrollment in an alternative program, regional or division wide program offered by School Board. No further questions or comments were proposed.

SECTION 8-26.1 (TAB 50) Purpose of Field Trips; educational value to be considered; transportation to be used.

This policy adds language indicating the purpose of field trips. Field trips must be educationally beneficial. Trips must be approved by the superintendent. Trips for activities governed by the VHSL do not require approval on a trip-by-trip basis. Parental permission may be obtained for the entire athletic season or school year. Only properly insured modes

of transportation are to be used for school trips. No student should be denied participation on a field trip because of the expense of the trip. The School Board does not endorse or accept responsibility for a privately sponsored field trip. Any SPS employee involved in a privately sponsored field trip must make this known to the student and parent. Conversation ensued on whether parents can sign at the beginning of the year for their student to participate in athletic events for the sport season. Attorney Waller commented that this has come up with senior day and it being a school activity and the issues that arise with the transportation liabilities for Suffolk Public Schools. The committee discussed the issues that arise. For example, who is liable, who is responsible, and are all schools doing the same thing? There may be a need for policy development in this area. Dr. Buck asked if there is a policy on overnight trips and does this policy override it? No further questions or comments were proposed.

SECTION 8-41.1 (TAB 52) Statement of Policy; use of instructional materials; violation of copyright; fair use doctrine explained.

This is a re-write of the copyright policy and explains reproduction and use of copyrighted materials. The superintendent is responsible for promoting an understanding of the copyright law. Also adds language that the School Board encourages staff and students to enrich the educational experience by making use of supplementary materials. At no time is it necessary for a staff member to violate copyright laws in order to perform his/her duties. Violation of copyright laws may result in discipline which could include suspension of an employee or the expulsion of a student. No further questions or comments were proposed.

SECTION 9-1.1 (TAB 53) Equal Educational Opportunities; non-discrimination.

This policy adds language that there is no discrimination in educational programs and services based on a person's sex, sexual orientation, race, creed, color, national origin, gender, gender identity, ethnicity, religion, disability, ancestry, marital or parental status or any other unlawful basis. No further questions or comments were proposed.

SECTION 9-1.3 (TAB 54) Filing a complaint of disability discrimination.

This policy adds language that a complainant who wishes to remain anonymous when filing a complaint of disability discrimination will be advised that confidentiality may limit the school division's ability to fully respond to the complaint. Also, that the investigation will consider witness evidence from both the complainant and the person or persons responsible for the alleged discrimination. All employees are required to cooperate with the investigation. Notice of the decision will be given to both the complainant and the person or persons responsible for the alleged discrimination. No further questions or comments were proposed.

SECTION 9-1.4 (TAB 55) Compliance Officer.

The Chief Administrative Officer is the Compliance Officer for investigating complaints of disability discrimination. The Compliance Officer conducts and oversees the investigation. Ensures that any discrimination investigation is conducted by an impartial investigator trained in the requirements of equal education opportunity and has the authority to protect the alleged victim and others during the investigation. No further questions or comments were proposed.

SECTION 9-1.5 (TAB 56) Informal Procedure; Retaliation; False Charges.

This policy adds language that the Compliance Officer will inform any person who makes a

complaint of discrimination, is subject to a complaint, or participates in the investigation of a complaint, how to report any subsequent problems. This policy does not prevent any individual from pursuing other avenues, including initiating a civil lawsuit or filing a complaint with outside agencies. Training to prevent discrimination should be included in employee and student orientations and in-service training. It requires that the policy be prominently displayed and sent to both parents and students. No further questions or comments were proposed.

SECTION 9-11.2 (TAB 59) Parental responsibilities; notice to parents; needing to discuss improving student behavior.

This policy adds language that any student involved in a reportable drug or violent incident, is to participate in prevention and intervention activities deemed appropriate by the superintendent. Any student found under the possession of or under the influence of drugs or alcohol on school property or at a school sponsored event may be required to undergo an evaluation for drug or alcohol abuse and participate in a drug and/or alcohol treatment program if recommended by the evaluator. No further questions or comments were proposed.

SECTION 9-11.4 (TAB 60) Authority of Teachers; Criteria for Removal; Appropriate Placement Required.

The policy adds language requiring teachers to write incident reports of disruptive behavior by students within 24 hours of the incident with a copy provided to parents. Parents must be given an opportunity to meet with the teacher to discuss the student's behavior and possible consequences. No further questions or comments were proposed.

SECTION 9-11.7 (TAB 61) Pledge of Allegiance

This policy was not recommended by the Policy Review Committee.

SECTION 9-13.1 (TAB 62) Gang activity or association prohibited; certain conduct also prohibited; Superintendent to establish regulations; in-service requirement.

The policy adds language that includes the definition of a gang. A gang consists of three or more persons whose purpose includes commission of illegal acts, participation in activity that threatens safety of persons or property, disrupts the school environment, creates an atmosphere of fear and intimidation. This policy also lists certain apparel, language or jesters as being associated with gang activity. The superintendent is charged with the responsibility of updating regulations listing known gang clothing, jewelry, emblems, badges etc. In-service training is also provided by superintendent or superintendent's designee. No further questions or comments were proposed.

SECTION 9-14.2 (TAB 63) Possession of a Controlled Substance, etc. Mandatory Prevention and Intervention

This policy adds language that prohibits the manufacturing, sell or distribution or possession of a control substance or imitation controlled substance on school property, at a school activity, at any designated bus stop, or 1,000 feet of such school bus stops when children are waiting to be picked up or transported to school or a school sponsored activity. Dr. Brooks-Buck asked if we have people who are growing marijuana in the home, do we move the bus stop? Attorney Waller replied that it is a good question and the legalization of marijuana changed a lot of things and the General Assembly is going to have to address this and if not, perhaps it will have to be addressed by VDOE. No further questions or

comments were proposed.

SECTION 9-20.15 (TAB 65) Student-Athletic Sudden Cardiac Arrest.

This is a new policy requiring Suffolk Public Schools to provide parents with information regarding symptoms that lead to sudden cardiac arrest involving students participating in athletics. It also includes steps that must be taken when a student-athlete displays symptoms. No further questions or comments were proposed.

SECTION 9-21.1 (TAB 66) Students fundraising; approval request; principal to maintain list.

This policy adds language that all fundraising activities for the benefit of Suffolk Public Schools must provide an educational benefit. The school superintendent will furnish the School Board periodically with an up-to-date listing of all fundraising activities. Mrs. Byrum asked who decides the education benefit? Attorney Waller indicated that he believes that principals will make that determination. Mrs. Byrum stated that parents have voiced concerns that they don't see how the profit is being used to benefit students. Parents are often led to believe that the money will be spent on one thing such as extra technology equipment but they never see the results. Attorney Waller indicated that more could be added to the policy to indicate how often the Board would like to receive a report on fund raising activities and the educational benefit. The question was asked if it would be too burdensome if the superintendent is asked to report on the fund-raising activities and the educational benefit to students on a school by school basis at year's end? Attorney Waller restated the suggest wording stating "At the end of each school year, the superintendent will issue a report on schools fundraising activities and the educational benefit for students setting forth items purchased from profits gained from the activities".

SECTION 10-3.1 (TAB 69) Use of News Media; News Releases; Approval of Principal.

The language in this policy was deleted that routine news and information is released to the "press." The removal of the word "press" means that routine news and information can be released to anyone, including the press, with the approval of the principal. No further questions or comments were proposed.

SECTION 10-4.1 (TAB 70) Advisors and Resources; Public Advice Considered.

This policy revision was not recommended to the full Board.

SECTION 10-5.1 (TAB 71) Public Appearance before School Board; etc.

This policy adds language that members of the community are invited and encouraged to attend meetings of the School Board. Those desiring to speak before the School Board are recognized by the Chair. The speaker addresses the Chair. If any member of the School Board would like to address the speaker, they must get permission from the Chair. No one is allowed to make additional presentations until everyone who wishes to speak has had an opportunity to make an initial presentation. Committee decided that this policy will not be implemented. Delete the language that says "No one is allowed to make additional presentations until everyone who wishes to speak has an opportunity to make an initial presentation". No further questions or comments were proposed.

SECTION 10-16.1 (TAB 73) Parental involvement encouraged; etc.

This policy adds language that all staff members will respect parental rights of both parents. It lists the rights of parents and that parents visiting the school will be checked against

Crimes Against Minor Registry Information. Also adds language that at the request of the noncustodial parent, the parent will be included as an emergency contact for student activities unless a court order says something to the contrary. Attorney Waller commented that the committee would be amazed at the number of times the schools get pulled into disagreements between the custodial parent and the non-custodial parent.

CHAPTER 9, ARTICLE 16 (TAB 64) TITLE IX GRIEVANCE PROCEDURE

This is a complete re-write of the Title IX Grievance procedure. Title IX prohibits sexual harassment. There is a definition section, the process for filing a complaint, contact information for the Title IX Coordinator for Suffolk Public Schools, who will investigate complaints alleging sexual harassment. Attorney Waller commented that the committee is probably aware of what happened in Loudoun County with the sexual harassment investigation or lack thereof and the fallout that resulted from that. Should Suffolk Public Schools receive a a complaint of sexual harassment, Suffolk Public Schools should not run into a situation similar to Loudoun County. This policy is very detailed regarding the investigation, how it is to be carried out, who leads it, and the final report.

CHAPTER 10, ARTICLE 19 (TAB 75) SEX OFFENDER AND CRIMES AGAINST MINORS NOTIFICATION

This is a complete re-write of Chapter 10, Article 19. The statement of policy has been re-written. The superintendent is to establish procedures regarding use and distribution of information received from the Registry. Superintendent notifies parents of the availability of this information received from the Registry. This is like the Abuse and Neglect Registry. When Suffolk Public Schools learns that a parent should be registered and has not been, the person is notified that he or she is barred from being present at school or a school function without the express written approval of the student's principal. There is also a new section 10-19.5 regarding reporting of child disappearance. When Suffolk Public Schools receives notification by law-enforcement that a child enrolled at school is missing, the student's cumulative record is marked with an "X". The mark must be an electronic mark or other indicator that is readily apparent and immediately alerts any school personnel that the record is of a missing child. Upon receiving a request from any school or person for copies of the missing student's educational record, Suffolk Public Schools must notify the law enforcement agency that reported the missing student that Suffolk Public Schools has received a request for the child's educational record. This policy will alert Suffolk Public Schools that a child is missing and gives the division a way to alert law enforcement regarding the child. No further questions or comments were proposed.

➤ **Business by Committee Members.**

- None mentioned.

➤ **Next meeting to be determined. Adjournment**

- To be announced.