

**Policy Review Committee  
Meeting Minutes  
October 5, 2021  
Suffolk Center for Cultural Arts  
BB & T Gallery Room  
110 W. Finney Avenue, Suffolk, VA 23434**

Present:

**Members**

- ✓ **Mrs. Phyllis Byrum**, *Vice-Chair School Board Member*
- ✓ **Mrs. Linda Johnson**, *School Board Member*

**Participants**

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

- Call meeting called to order.
- **Review and approval of minutes from the July 6, 2021 meeting.**
  - Two corrections or changes noted for minutes. Members received the corrected version.
  - ✓ **Section 2-2.7:1 – Citizens Advisory Committees; Open Meetings Required; Attendance by School Board Members**
    - This is a revision to the **standing citizens advisory** committee of the Safety Audit Committee. This revision explains the role of the Virginia Center of School and Campus Safety and the safety audit program and also indicates what information will be made available to the Safety Audit Committee and when information can be withheld from that committee.
  - ✓ **Section 1-6.2:2 – Transgender Policy**
    - Virginia Section Code 22.1-23.3 requires each local school board with the start of the 2021-22 school year to have in place a transgender policy consistent with but not **more less** comprehensive than the model policy developed by Virginia Department of Education. The model policy of VDOE addresses the following areas:
- Unfinished Business
  - Nothing to report.

➤ New Business

▪ **Section 9-12.1 – Weapons in School Prohibited**

- The school superintendent or the superintendent's designee can allow non-school employees to possess a firearm on school property. However, this grant of authority can only be given to those who are authorized by statute to possess a firearm on school property. Virginia Code Section 18.2-308.1 carves out certain exemptions for allowing guns on school property. This list includes:
  - (i) law enforcement officers or retired law enforcement officers;
  - (ii) those who have a valid concealed weapon permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicle ingress or egress to the school;
  - (iii) school security officers authorized to carry a firearm; or
  - (iv) armed security officers authorized to carry a firearm.
- Members had no questions/concerns.

▪ **Section 9-12.3 - Possession of Weapons**

- The same wording as set forth in 9-12.1, but this pertains to school employees. The school superintendent or the superintendent's designee can authorize school employees to possess a firearm on school property.
- Members had no questions/concerns.

▪ **Section 9-14.2 – Possession of a Controlled Substance**

- This change in policy makes clear that under the Code of Student Conduct, students are not allowed to possess, use or distribute restricted substances.
- Members had no questions/concerns.

▪ **Section 9-20.10:1 – Possible Exposure to Viral Infections**

- If a school board employee believes he/she has been exposed to blood or body fluids of a student, a specimen of the student's blood can be sought for testing, upon consent from the student's parent. If the parent withholds consent, and the school employee was potentially exposed to HIV or Hepatitis B or C, the School Board may petition the Suffolk J & D Court for an order requiring the minor student to provide a blood specimen or submit to testing for HIV or Hepatitis B or C. This is provided for by Virginia Code Section 22.1-271.3.
- Mrs. Byrum asked if this policy also addresses a COVID situation and discussed a similar case of a student having COVID and spitting on a teacher. Attorney Waller suggested that we could look at such a situation to be added to the policy. Dr. Gordon mentioned that such a situation could also fall under assault.

▪ **Section 9-23.2 – Definitions**

- This suggested policy revision clarifies that the student record policy pertains to the release of education records or personally identifiable information regarding a student, located in Subsection 8 of the policy.
- Members had no questions/concerns.

▪ **Section 9-23.4 – Dissemination of Information**

- If a juvenile is charged with a crime and is adjudicated delinquent, convicted, found not guilty or the charges are reduced, fifteen days after the appeal period, notice is sent to the school superintendent. Notice of the charge and disposition is then placed in the juvenile's education record. This policy revision will authorize the removal of the notice after the student has been awarded a diploma or certificate. A child that is convicted in the Juvenile Court is convicted as a juvenile and that is why the Superintendent can take it out of the child's records after being awarded a diploma. However, if it is relied on as part of a disciplinary situation at school, it has to remain in the student's education record because it becomes a part of the student's discipline file.
  - Mrs. Johnson asked if the court expunges the file? Attorney Waller answered that it doesn't really expunge it but those records are closed and no one can gain access to the record without a court order.
- **Section 9-23.4:1 – Protective Orders**
    - This is a new policy regarding protective orders issued by the court. When a court issues a protective order for the protection of children and the building principal receives notice of the order, the building principal is required to notify instructional personnel and those who have a legitimate educational interest of the existence of the protective order.
    - Mrs. Johnson asked if up until now has that been the case? Attorney Waller said that it wasn't in policy. He informed the committee that they would be surprised at how many times that the school receives a court order or a parent brings in a court order. It may be a custody order, it maybe a visitation order or it may be a protective order. The school then has to determine how do they put that order into effect in the school environment and often times they have to contact Attorney Waller's office and he has to explain to them the parameters of that order, what they can and cannot do. Mrs. Johnson said that her first job in Suffolk was a Social Worker and she has seen how it works and would say that it is necessary. Mrs. Byrum said that she knows that it has been used effectively in our system before to protect children.
- **Section 9-23.10 – Release of Student Records**
    - This suggested revision provides that education records can be disclosed without parental consent to local welfare agencies when the agency is responsible for the care and protection of the student and to a court appointed guardian ad litem. It also provides that Suffolk Public Schools will make use of reasonable methods to identify and authenticate the identity of those requesting access to student records. This is provided for under the Family Educational Rights and Privacy Act. Social workers will often times come to a school and will provide a indicating that they have a right to access to a certain student's records, as well as guardian ad litem's.
    - Mrs. Byrum said that in previously serving on the Pupil Personnel committee, that we did have a lot of case workers that came and they needed information and this will protect that.

- **Section 9-23.11 – Records of Requests for Disclosures**
  - The language included in 9-23.10 regarding reasonable methods to identify and authenticate the identity of those requesting access to student records is also set out in 9-23.11.
  - Members had no questions/comments.
  
- **Section 9-23.12 – Correction of Education Records**
  - When a parent of an eligible student files a challenge to information contained in an education record, this policy provision requires Suffolk Public Schools to issue a decision within a reasonable period of time after the hearing and the decision must be based solely on the evidence presented at the hearing.
  - Ms. Johnson question what will be a reasonable period of time? Attorney Waller responded that that would depend on the situation itself, how many documents have to be reviewed, what is the evidence that was presented at the hearing. That's exactly why we are proposing a reasonable amount of time as opposed to saddling the administration with 5 days, 10 days, 15 days. If a hearing has taken place and the parent has not received a decision, the parent can always contact the administration and express their concerns about that.
  - Members had no concerns.
  
- **Section 9-23.16 – Unauthorized Disclosure of Electronic Records**
  - Subsection C is being recommended for deletion. Subsection C provided that the school superintendent nor the school board could disclose to any outside entity information provided by a parent or student to satisfy the requirements of Home Instruction. Virginia Code Section 22.1-254.1 provides that this information can be disclosed with written consent of the parent and the division superintendent can also notify the Superintendent of Public Instruction of the number of students in the school divisions receiving home instruction. The current policy provides that information could not be disclosed but now this information can be disclosed.
  - Mrs. Byrum asked if that is in a report which goes to the Superintendent of Instruction? Dr. Gordon acknowledges that is correct.
  
- **Section 9-27.2 – Requirements for Service Animals**
  - This policy addresses service animals on school property. In order to have a service animal on school property the service animal must be immunized, in good health, and the owner must maintain control over the animal at all times.
  - Mrs. Byrum asked if we have staff members that have to use service animals. Dr. Gordon answered that he is not aware of any staff members but we do have constituents and visitors that use them. Mrs. Johnson advised that there is a difference between a services animal and a therapy animal. Attorney Waller stated that this policy pertains to a service animal. Mrs. Johnson stated that in the real estate world they have just increased how services animals for tenants can include mental health and asked if that is the case for the school system. Dr. Gordon stated that we try to get those with animals to present a clear definition of what is needed for service such as a therapy dog and most times the documentation will specify that for us.
  
- **Section 10-3.5 – Virginia Freedom of Information**

- This section codifies language found in the Virginia Freedom of Information Act regarding public records are open to the public and anyone who destroys a public record can be subject to a penalty of up to \$100 for each record destroyed. There is also a training that the FOIA officer must undergo every two years.
  - Members had no questions/comments.
- **Section 10-18.2 – Public Safety and Parent/Student Rights**
    - Virginia Code Section 22.1-280.2:3 requires each school division have a MOU with the local law enforcement agency that employs school resource officers. School divisions are required to give public notice and an opportunity for the public to offer input on the MOU during each review period. This policy change incorporates language from the state code regarding MOU's with law enforcement agencies.
    - Mrs. Byrum asked if the change moved to two years for the review of the memorandum of understanding? Attorney Waller said it's with each renewal period and every two years that MOU has to be renewed. There also has to be time for notice of the public and the public has to be given the opportunity to provide input on the new MOU that is under consideration.
- **Section 10-18.3 – Statement of Purpose**
    - This is the School Board's policy regarding charter schools. The policy revision prohibits charter schools from discriminating on the basis of sex, sexual orientation, gender, or gender identity. This non-discriminatory language governing charter schools is found in Virginia Code Section 22.1-212.6:1.
    - Mrs. Byrum asked if it is inclusive with disability, race, etc.? Attorney Waller said correct and that this is just an addition. Mrs. Johnson commented that we are pairing with the state law. Attorney Waller added that it is also consistent with SPS policies regarding school operations and keep in mind that charter schools are also public schools.
- **Section 10-18.4 – Charter School Application**
    - The non-discriminatory language found in 10-18.3 is repeated in 10-18.4.
    - Mrs. Johnson asked if basically it is stating that the application for charter schools has to include that language. Attorney Waller agreed.  
Attorney Waller informed the committee that they now have two options on a policy to consider. Dr. Gordon is here to give input on two options out. Option 2, instead of having the strategies listed, the school superintendent will develop those mitigation strategies.
- **5-4.2 (Option 1) Maximum Safety and Efficiency Required; Review of Bus Routes; Traffic Control Plan Required; Superintendent to Develop Regulations**
    - This policy revision has been recommended by Board Member Riddick. It pertains to students who are being transported on school buses when COVID transmission is high. This policy revision will require to the greatest extent possible that:
      - (i) students be assigned two to a seat;
      - (ii) those living in the same household sit together;
      - (iii) open windows on school buses to allow for ventilation; and

(iv) mask wearing by students and staff.

▪ **5-4.2 (Option 2) Maximum Safety and Efficiency Required; Review of Bus Routes; Traffic Control Plan Required; Bus Transportation During COVID.**

- This policy revision is recommended by the administration. It also pertains to students who are being transported on school buses. This revision is not limited to high levels of COVID transmission, but pertains to the transmission of commission of any communicable disease. In order to protect the safety of students and staff and to mitigate transmission, the school superintendent is directed to promulgate regulations setting forth mitigation strategies.

Mrs. Byrum asked if in option 2, would the superintendent with his staff such as transportation, directors and so forth would establish the strategies?

Dr. Gordon stated that the reason why staff is recommending option to is because it pretty much follows what we are already doing in the classroom and our health plan overall. We didn't want to limit to COVID because we don't know potentially what the next virus is going to be which would also include the flu, etc. The biggest concern I had with the option 1 is the two to a seat. With the national bus driver shortage, we have to make a tough decision, do we allow students to stay at school to 5 and 5:30 because we want to follow two to a seat, or do we try to get them home as soon as possible. The second concern that I have is the opening of the windows. One of the main changes that we did is purchasing buses with air conditioning and they have a filtration system. The technology now is to make sure they we can also purchase buses that have the bi-polar ionization system that we actually have in the buildings. Opening a window is not a solution here, it is actually more of a safety hazard with students potentially throwing things out, etc., especially the younger ones. So, we thought that we have a little more flexibility with option 2 for this policy.

Mrs. Byrum asked if that would cover us with the flu virus or any variant that we might have? Dr. Gordon said yes and we are actually already following the strategy of having siblings sit on the same seat already. But we do want to make sure that these bus drivers have some flexibility as things arise.

Mrs. Johnson questioned with option 1, do we have enough school bus aides? Dr. Gordon replied that we don't have them on every bus. Dr. Gordon also stated that we have cameras on the buses which also helps correct any behaviors and eliminates any potential confrontation you may see on the buses.

Mrs. Byrum prefers option 2 that gives more flexibility to the transportation department. Mrs. Johnson said that while she would like to see students two to a seat, she would not like seeing them get home at 9 pm at night. Both agreed to Option 2.

▪ **8-31.6 – Semester grades for high school**

- This policy redefines semester grades for high school students. Mid-term and final exams are being eliminated. Semester grades will be determined by averaging the first and second nine weeks grades. Final grades will be determined by averaging the semester grades.
- Dr. Gordon stated that this is the continuation of our discussion from last month. This what the Board voted on last school year and explained how the semester grades are factored. He stated that our project base learning and other assessments that we have used, we don't feel like its necessary to continue with mid-term exams especially with the current situation that we are in right now and

the anxiety from the students. I have had several students and especially from my student advisory council that really stated how overall feeling of anxiety they get from knowing that is such a high-pressure test. In junior and senior high school, they already have high pressure tests like their SAT's and other entrance exams that they may take. Also, in talking to his higher learning colleges, they have made it clear that the majority of the time, there is one culminating activitie or project that students are working on in both undergraduate and graduate every semester and that is what really determines their final grade. There are very few final exams given at the collegiate level and we should give them some practice now. In talking to teachers, they are extremely happy as well because that mean less exams that they will have to grade and that is the feedback that we received last year. We are asking that this be made permanent.

Mrs. Byrum said speaking from her experience, it was a lot of pressure on the students and her opinion is that there is too much testing and it puts to much pressure on the students. Some students are not good test takers and if you have been with that student during the year, you have good indicators of the student's level of performance and we have other ways of testing.

Mrs. Johnson said that she would reflect on her student days and she was a very good Spanish student on everything but the exam. I flunked the exam and it dropped my average tremendously for that semester and I was mortified. I don't think a bad day should equate to that level. Are we just not going to give the exam at all? Dr. Gordon said yes. There was a lot less test done back then than it is today. She thinks this policy is moving progressively in the right direction.

Attorney Waller said that all these policies will be added for first reading next week.

Mrs. Byrum thanked everyone for coming and participating in the meeting and concluded the meeting.

- Business by Committee Members
  - No other business to discuss, meeting was adjourned.
- Adjournment
  - Next meeting TBD.

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