

A Business Meeting of the Albemarle County School Board was held on February 14, 2019 at 6:30 p.m., Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902.

PRESENT: Mr. Stephen Koleszar; Dr. Kate Acuff; Ms. Katrina Callsen; Mr. Graham Paige; Mr. Jason Buyaki; Mr. David Oberg; and Mr. Jonathan Alcaro.

ABSENT: None.

STAFF PRESENT: Dr. Matthew Haas, Superintendent; Ms. Rosalyn Schmitt, Chief Operating Officer; Ms. Debbie Collins, Deputy Superintendent; Dr. Clare Keiser, Assistant Superintendent; Dr. Bernard Hairston, Assistant Superintendent; Mr. Jackson Zimmermann, School Finance Officer; Mr. Ross Holden, School Board Attorney; and Mrs. Jennifer Johnston, Clerk.

Agenda Item No. 1.1. Closed Meeting – if needed. None.

Agenda Item No. 1.2. Closed Meeting Certification. None.

Agenda Item No. 1.3. Call to Order.

At 6:30 p.m., Mr. Alcaro called the meeting of the Albemarle County School Board back to order.

Agenda Item No. 1.4. Pledge of Allegiance.

Agenda Item No. 1.5. Moment of Silence.

Mr. Alcaro asked for a moment of silence in honor of Steve Gissendanner, a teacher at Meriwether Lewis Elementary School, who passed away.

Agenda Item No. 2.1. Approval of Agenda.

Mr. Koleszar offered a **motion** to approve the agenda. Mr. Buyaki **seconded** the motion, **and the motion passed.**

Agenda Item No. 3.1. Approval of Consent Agenda.

3.1. Approval of Consent Agenda

3.2. Donations and Reimbursements to the School Division FY2018/19 – 2nd Quarter

3.3. Minutes

3.4. Personnel Action

3.5. Learning Cottage Lease

3.6. Western Albemarle High School Cell Tower Right of Entry Agreement

3.7. For Information: Policy Reviews and Revisions – Personnel Action

3.8. For Information: Policy Reviews and Revisions

3.9. Resolution for Listing Burley High School on the National Register of Historic Places and Virginia Landmarks Register

3.10. For Information: Appropriation Request for First Grade Classroom Furniture Replacement

3.11. Class Size Report

3.12. Carryforward of One-Time Funds in Support of Classroom Furnishings, Center One, and Classroom Shades

Mr. Oberg asked that item 3.6. be pulled.

Mr. Koleszar offered a **motion** to approve the consent agenda minus item 3.6. Mr. Buyaki **seconded** the motion, **and the motion passed.**

Agenda Item No. 4.0. Items Pulled from the Consent Agenda.

Item 3.6. Western Albemarle High School Cell Tower Right of Entry Agreement:

Mr. Oberg said he opposes the cell tower near Western Albemarle High School.

Mr. Koleszar offered a **motion** to approve Item 3.6. Mr. Paige **seconded** the motion, **and the motion passed with Mr. Buyaki and Mr. Oberg voting no.**

Agenda Item No. 5.1. Spotlight on Education.

Mr. Oberg said that this is a great week to be a Henley student. On Monday, Layla Barbour, successfully defended her title as Albemarle County Public Schools' champion speller. It's the first time we've had a repeat winner in many years, maybe ever. And Layla will be representing our school division in the Central Virginia Regional Spelling Bee for the fourth straight year. The championship word was "harangue," which dates back to Medieval Europe and is used much less these days than it was back then, according to the English usage dictionary. I think that's good news.

A few weeks ago, 25 other Henley students were crowned as champions, in this case, Virginia champions, in the *We the People* competition at UVA. They now will go on to Washington, D.C. to compete for the national title. I know a little bit about this event, having served as a judge on previous occasions. This is a fantastic learning opportunity for our students, incorporating all of the contemporary skills that are so important to lifelong success. I like to think about it as students playing the role of Justices of the Supreme Court. Significant constitutional questions, such as free speech in our schools, are put to them and they use all of their research and analytical talents to find and present their best constitutionally valid answers. Creativity, communication and collaboration all are important as is civic leadership. I know a good deal of effort and thoughtfulness goes into this project and I know all of my colleagues on the Board share my pride at what our Henley students have accomplished. This evening, I'd like to invite the two faculty mentors for the Henley team, Amelia Bochain and Pam Koury, to join us at the podium. Three team members, Eavan Driscoll, Kat Love and Anna Kate Simpson, also are here tonight. We'd like to hear about your state championship, about the impact this competition has had on your learning experiences and offer our congratulations for representing yourselves, your school and your school division so well.

Agenda Item No. 5.2. Announcements.

Dr. Haas said that there is a newspaper article about the renaming of Paul Cale Elementary School Dr. Haas said that he has appointed Dennis Rooker, former member of the Board of Supervisors, to lead the first committee to consider whether to rename the school. Dr. Haas has also appointed John Gray to provide support for this work. He said that he would like to have a recommendation to the Board by the April business meeting.

Mr. Alcaro said that there was a young man at the last board meeting named William Lee. He organized a meeting for nationwide transplants with about 100 attendees with UNOS (United Network For Organ Sharing) based in Richmond.

Agenda Item No. 6.1. Public Comment.

Mr. Nick Feggans spoke in support of the Boys and Girls Club.

Mr. Byron Polonco spoke in support of the Boys and Girls Club.

Ms. Daisy Zamudio spoke in support of the Boys and Girls Club.

Mr. James Pierce is the CEO of the Boys and Girls Club. He said that he would like to partner with Albemarle County Public Schools.

Ms. Allie Craytor serves on the board for the Boys and Girls Club. She spoke in support of the Boys and Girls Club.

Mr. Ken Horne encouraged the Board to ban hate imagery in Albemarle County Public Schools.

Dr. Paige Perriello is a local pediatrician. She spoke in support of banning confederate imagery in Albemarle County Public Schools.

Ms. Nancy Carpenter lives in the City of Charlottesville. She encouraged the Board to ban hate imagery in Albemarle County Public Schools.

Mr. Matthew Christensen lives in the Rio Magisterial District. He encouraged the Board to ban hate imagery in Albemarle County Public Schools.

Ms. Bekah Saxon is a VEA staff member. She encouraged the Board to ban hate imagery and the confederate flag. She also said that every driver is included in compensation increases, it is a morale issue. Finally, she asked that the Board support teachers with wellness and stress.

Ms. Amanda Moxham encouraged the Board to ban hate imagery in Albemarle County Public Schools.

Ms. Lara Harrison encouraged the Board to ban hate imagery.

Ms. Aubrey Israel Hampton lives in the Rio District. She encouraged the Board to ban hate imagery.

Ms. Star Peterson lives in Albemarle County. She encouraged the Board to ban hate imagery.

Mr. Walt Heinicke lives in the City of Charlottesville. He encouraged the Board to ban confederate and hate imagery.

Agenda Item No. 7.1. School Board/Superintendent Business.

Dr. Haas said on January 31 a sprinkler flooded Sutherland Middle School and the custodial staff worked through the night to clean so that school could open on time and be safe. He acknowledged the custodial staff for their dedication and hard work.

Agenda Item No. 7.2. Board Member Reports.

Mr. Oberg apologized for leaving the meeting after the moment of silence to honor Mr. Gissendanner. Mr. Oberg encouraged teachers to take care of themselves.

Dr. Acuff said she wanted to address plastic use in schools and Board meetings to better move in the direction to go green. Mr. Alcaro said that he will work to schedule an agenda item to discuss plastic use in our buildings.

(Mr. Oberg left the meeting at 7:54 p.m.)

Agenda Item No. 8.1. 2nd Quarter Financial Report and Fund Balance Discussion.

Mr. Zimmermann provided for the Board's consideration the 2nd quarter financial report and fund balance. The October 2018, November 2018, and December 2018 Year-To-Date Financial Reports, Operating Expense Reports, and Self-Sustaining Funds Reports are presented for the Board's consideration.

Revenues: March 31 Average Daily Membership (ADM), upon which state revenues are based, was projected to be 13,578. However, September 30 enrollment numbers are slightly lower than original projections by 64 students (although overall enrollment is greater than last school year). State revenues are currently anticipated to meet projections due to increased lottery funding provided in the governor's amendments. Local and federal revenues are anticipated to meet budget.

Expenses: Expenses are anticipated to slightly lower than budgeted. Compensation projections are based upon January payroll. The majority of staff on payroll are 10-month employees that receive 12 paychecks, since 10-month staff begins work and receives the first paycheck in September, 7 of 12 paychecks remain to be projected.

Balance of Expenses over Revenues: December revenues exceed expenses by more than \$7M. State revenues collected totaled slightly more than \$19 million.

Available Fund Balance: Currently available fund balance is over \$2.9M prior to this meeting's actions. Staff is providing information regarding the use of a portion of these balances.

The financial outlook for this division in the current year is positive. Staff recommends the use of one-time funding for items detailed above. Projects approved will be brought forward for formal appropriation at a future meeting.

Mr. Koleszar asked if the changes in state revenue gives staff any pause in its recommendation for one-time use of funds.

Mr. Buyaki said that he brought up the security buzzer system in our schools a year and a half ago. He feels that this is a good use of funds. Mr. Koleszar said that New Towne Connecticut had a buzzer system and it did not make a difference in the massacre that happened there.

Mr. Koleszar said that the Brownsville mobile classroom is a cost we will have to endure because we have not kept up with capacity issues.

Dr. Acuff asked if the Brownsville mobile classroom is similar to what we have in Scottsville. She thinks it looks less expensive than Scottsville.

Mr. Paige asked if panic buttons will be placed at all schools.

Mr. Koleszar asked about the K-2 digital learning devices and its impact on student learning. He asked that if the Board authorizes the money how soon can it be spent and would it be better to have a little more experience with the equipment we bought rather than rushing to purchase the equipment. He said that he would be more comfortable if we had more than a month of experience with the equipment.

Ms. Callsen asked if parents have any push back concerning the iPads.

Mr. Koleszar offered a **motion** to receive the financial reports and to place the fund balance expenditure item on the next consent agenda. Mr. Paige **seconded** the motion, **and the motion passed with Mr. Oberg absent.**

Agenda Item No. 8.2. After School Enrichment Partnership Request for Proposal (RFP).

Ms. Schmitt provided for the Board's consideration the after school enrichment partnership request for proposal. Previously, the Albemarle County School Board received a program evaluation on the Extended Day Enrichment Program (EDEP). Amongst other key findings, the evaluation highlighted the importance of high quality after school care as an educational imperative. One recommendation of the evaluation was to explore the

possibility of partnering with private organizations to respond to an increasing demand for after school programs fueled by a lack of affordable options for key segments of the school division's population.

Last fall, a Request for Proposals (RFP) was issued to solicit sealed proposals to establish a partnership with Albemarle County Public Schools (ACPS) to provide quality after school opportunities for ACPS students.

The top choice recommended to the Board was the Boys and Girls Club.

Dr. Acuff said the original proposal was 300 students but Ms. Schmitt said 200.

Mr. Alcaro asked if students who are not Albemarle students or part of the three schools on the campus be allowed to attend the club.

Dr. Acuff said it is her understanding that we bus many of our students to the Boys & Girls Club in the City of Charlottesville.

Mr. Koleszar offered a **motion** to enter into negotiations with the top ranked proposal to develop a memorandum of agreement. Mr. Buyaki **seconded** the motion, **and the motion passed with Mr. Oberg absent.**

Mr. Koleszar thanked Dr. Haas for taking the time to put the proposal in the proper procurement procedures.

(Mr. Oberg returned to the meeting at 8:12 p.m.)

Agenda Item No. 8.3. Break.

There was a break from 8:13 p.m. until 8:24 p.m.

Agenda Item No. 8.4. Anti-Racism Policy.

Dr. Hairston and Kimerlee Dickerson provided for the Board's consideration an update the anti-racism policy. The School Board directed staff to develop an Anti-Racism policy in July of 2018. Students, community and staff, collaborated in this charge. The School Board shall review and discuss the Anti-Racism policy, regulations and equity policy checklist in preparation for their future action on this agenda item.

Dr. Acuff complimented including putting resources into professional development to implement the policy.

Dr. Acuff said she thought the original document has a person to oversee the implementation of the policy.

Ms. Callsen asked what is the timeline for policy implementation and where does the Board fit in.

Mr. Koleszar said he really liked the changes. It is more powerful than the original document presented in December 2018.

Mr. Alcaro asked is changes or questions should be sent to Dr. Hairston.

Mr. Buyaki said that he would like to see in the policy a timeline that reviews the policy in one year.

Mr. Koleszar said that he would like to see the timeline attached to the policy.

Mr. Alcaro asked if the Board agreed to place the policy on the next consent agenda.

Mr. Buyaki said that it should be a regular agenda item. The Board agreed.

Dr. Acuff commended Dr. Hairston, Ms. Dickerson and the students for the work on this policy.

There was a Board consensus to place this item on the next agenda for approval.

Agenda Item No. 8.5. Perspective of Board Members on Student Apparel and Expression.

Mr. Alcaro said that according to the ACPS School Board Policy regarding standards for student conduct,

“Every student has a right to a quality education in an environment that is conducive to learning and free of disruption. Conversely, every student has the responsibility not to deny that right to others. Accordingly, the School Board has adopted policies and regulations designed to encourage good citizenship, reasonable standards of behavior, and a favorable atmosphere for learning and to discourage conduct that adversely affects the health and welfare of the students and staff.”

More specifically, with regard to student apparel, the ACPS School Board Policy states the following standard with regard to student apparel:

“Students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable. Clothing with language or images that are vulgar, discriminatory or obscene, or clothing that promotes illegal or violent conduct, such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia or clothing that contains threats such as gang symbols is prohibited.”

During the time allotted for this agenda item, each Board member was invited to offer a perspective on this standard as invited by the Board Chair.

Mr. Koleszar thanked the community for input. He said that Albemarle County Schools has a significant problem with racial and class disparities in student achievement. He said that he is an opponent to banning confederate flags from our schools. He reveres the First Amendment of the Constitution. It's freedom of religion and speech are the cornerstone of America and democracy. Everyone deserves to be treated with dignity and respect even those who disagree with him. Our students should not lose their First Amendment rights at the schoolhouse door. Education exposes students to a torrent of new ideas, theories, and concepts. We expect our students to grapple with ideas, to struggle to understand concepts, and internalize theories in their own synthesis. We should not force students to believe as we do. Unfortunately, racism, sexism and religious intolerance exist in America. If we are overly protective of our children in school, they will be unprepared to face these challenges. Schools should be a safe place but intellectually challenging. Students who wear the confederate flag should be challenged in what they are saying by wearing the flag, but they should not be prevented from wearing it. Bullying and intimidation have no place in schools. Banning the confederate flag will not address the underlying issues of racism and the achievement gap.

Dr. Acuff said that as a School Board we have repeatedly recognized and directed funding towards supporting our students social and emotional health. We understand that students learn best when in a safe and supported environment. She shared her own family history of events with swastikas and the KKK. She is also mindful that the Constitution's First Amendment protection of free speech although not absolute applies to students. It is crucial to understand that there would be no need for protection of free speech if everyone spoke and expressed themselves in a way that everyone agreed with. Even hateful speech is protected by the Constitution. The School Board has reviewed the law and has sought the advice of three County and School Board attorneys who all agree that a blanket ban on confederate imagery or any other symbol does not pass the Tinker standards. She said that Hardwick was not a dress code case at all. She feels that the School Board and Albemarle County Schools should do what they do best which is educate our students, our teachers, and our staff about why such imagery is wrong and to focus on the adoption and full enforcement of the anti-racism policy. At

best, a ban on confederate imagery would address only a subset of individual racism. Depending on the wording, she might support a resolution like the City of Charlottesville School Board did.

Mr. Oberg said that he stated his opinion on this matter at a previous meeting. He said that he respects the opinions of his colleagues on the Board. He said that banning confederate imagery may not resolve the problem but it will help heal the pain. He feels that banning confederate imagery is the right thing to do.

Ms. Callsen said that she thinks confederate imagery should be banned from our schools. She said that when she first got elected someone told her that the road was paved with flat squirrels that could not make up their mind. Decisions are hard, but they still have to be made and sometime delaying decisions is more harmful. She said that the Unite the Right rally included the use of confederate flags as symbols of hate. To pretend that this has not gone into our school community is naïve at best. We are not the model of racial equity. We have a legacy of discrimination. We have been thorough with our analysis of the laws. She is not in agreement with the analysis. She is ready to vote on a ban of confederate imagery.

Mr. Buyaki said that bans simply sweep problems under the rug and do not fix systemic problems. Simply not allowing students from wearing confederate imagery prevents educational opportunities to help students find the right path. He supports free speech.

Mr. Paige said that over the last year the idea of banning confederate imagery has changed. On a personal level he has always associated the confederate flag with slavery and oppression of his ancestors. He has always associated the flag with a culture that failed to recognize his ancestors as people but recognized them as property. It symbolized a culture of hate based on skin color. He has always despised the flag. However, when the dress code ban started being talked about he realized that his personal feelings could not be a justification for supporting the ban. He was afraid that the County could be sued if a ban was passed. He strongly supports a dress code banning the confederate flag and hate symbols from Albemarle County Public Schools. He noted that our students were impacted by the events of August 2017. If we truly believe in equity and diversity in Albemarle County then we must ban those symbols that can intimidate our black and Jewish students. If we truly believe in closing the achievement gap we must ban those symbols that intimidate our students and impact their performance.

Mr. Alcaro said there are differences in opinions on the Board, and he does not feel that the Board is ready to vote on the issue. He said that he appreciates the comments of his fellow Board members and looks forward to further conversation on the dress code. He is empathetic to any student in our schools that feels threatened, uncomfortable or unsafe and he wants to find long-term solutions to the causes of those situations. While he does not believe that symbolic gestures will fix racism, the comments from the School Health Advisory Board impacted him greatly. In his business experience when a ban has been put in place there has been a backlash to the company. The reality is that the political hue of this Board will ebb and flow over time. He would like to leave broad and general guidance for future boards as they were left for us. Banning symbols is a slippery slope that he does not want to go down. He feels that once the anti-racism policy is approved the Superintendent will set into motion strategies and processes that will deal with the challenges at hand. He could support a resolution as Dr. Acuff suggested. He would like the Board to continue discussion and think about everything that was said then make a decision that everyone can be proud of.

Mr. Alcaro said that the Board will discuss next steps.

Ms. Callsen thanked Mr. Paige for his comments. She did not realize that Mr. Paige was not in favor of a ban on confederate imagery initially. She was not either. She values the First Amendment rights. She then realized that we are not taking away the First Amendment rights of anyone by not allowing students to wear confederate imagery in school.

Mr. Paige does not feel that we should be glorifying or celebrating the confederate flag in Albemarle County Schools. He does not think the Board can develop an eternal policy because things change. We do need a policy to ban confederate imagery for this point in time.

Dr. Acuff said the strongest argument that we can make is the disruption to the educational environment. The courts have never recognized social and emotional harm as satisfying material disruption of the educational environment. We could say that the community trauma was sufficient enough that it amplifies the adverse impact of hateful symbols.

Mr. Oberg said he is not afraid to be sued. We do not change anything if we do not make change.

Mr. Paige said the Board should take a stand. There is no better issue to be sued for than this.

Ms. Callsen said we take financial chances all the time. We cannot predict the outcome of potential lawsuits that is why we have insurance to cover us.

Mr. Koleszar said Dr. King in a speech talked about how northern liberals were a greater threat to advancement than segregation. He worries that if we ban the flag we will think that we have done something. He does not think that it will be change anything. The achievement gap issue is caused by implicit bias. He said that he would take policy language out regarding gang symbols.

Mr. Oberg said that there are some things that are not okay to be the recipient of, regardless of the intent.

Ms. Callsen asked what would be the next steps.

Mr. Alcaro said that we should approve the anti-racism policy and have follow-up conversation on the dress code at the next meeting. Mr. Buyaki said that the meeting should be in the auditorium and look at the timing of public comment. Mr. Alcaro said that we should move the dress code discussion to the March business meeting with the anti-racism policy approval at the next meeting.

Dr. Haas said that after the events of August 2017 one of his first reactions was that we should pull students aside who were wearing confederate apparel because of the impact it would have on other students. He would like for the Board to direct him to develop a plan to deal with confederate imagery in schools under the current dress code policy while the Board continues its discussions.

There was Board consensus for Dr. Haas to develop a plan and bring it back at the next meeting.

Mr. Paige said that it is a good first step but he would like to go further.

Ms. Callsen said that she would like to vote on the dress code soon.

Mr. Koleszar asked if it would be possible to use EAB to look at the research on the impact of hate imagery on achievement.

Dr. Acuff asked if the conversation was being limited to confederate imagery or all hate symbols.

Agenda Item No. 9.1. Other Business by Board Members/Superintendent. None.

Agenda Item No. 10.1. Closed Meeting – if needed. None.

Agenda Item No. 11.1. Closed Meeting Certification. None.

Agenda Item No. 12.1. Adjournment.

At 9:52 p.m., hearing no objections, Mr. Alcaro adjourned the meeting of the Albemarle County School Board.

Clerk