

A Regular Meeting of the Albemarle County School Board was held on August 12, 2021 at 6:30 p.m., via Zoom, Charlottesville, Virginia 22902.

PRESENT: Mr. Jonno Alcaro; Mr. Graham Paige; Ms. Katrina Callsen; Dr. Kate Acuff; Ms. Ellen Moore Osborne (arrived at 6:15 p.m.); Ms. Judy Le; Mr. David Oberg; and Student Representative AJ Johnson.

ABSENT: None.

STAFF PRESENT: Dr. Matthew Haas, Superintendent; Ms. Debbie Collins, Deputy Superintendent; Dr. Clare Keiser, Assistant Superintendent; Dr. Bernard Hairston, Assistant Superintendent; Dr. Christine Diggs, Chief Technology Officer; Mr. Phil Giaramita, Strategic Communications Officer; Ms. Rosalyn Schmitt, Chief Operating Officer; Dr. Patrick McLaughlin, Chief of Strategic Planning; Ms. Eileen Gomez, School Nurse Coordinator; Ms. Jasmine Fernandez, Project Advisor; Ms. Ashby Johnson, Principal of Jack Jouett Middle School; Ms. Hannah Peters, Jack Jouett Middle School Teacher; Mr. Ross Holden, School Board Attorney; and Ms. Jennifer Johnston, Clerk to the School Board.

Agenda Item No. 1.1. Closed Meeting.

At 5:45 p.m., Mr. Paige called the meeting of the Albemarle County School Board to order.

Ms. Callsen offered a motion offered a **motion** that the School Board go into a closed meeting as authorized by the Virginia Freedom of Information Act, section 2.2-3711(A) of the Code of Virginia under subsection 1 for the discussion, consideration, or interviews of prospective candidates for employment and the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and subsection 7 for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. Mr. Alcaro **seconded** the motion. **Roll was called, and the motion passed by the following recorded votes:**

AYES: Ms. Le; Mr. Alcaro; Dr. Acuff; Ms. Callsen; Mr. Oberg; and Mr. Paige.

NAYS: None.

ABSENT: Ms. Osborne.

Motion carried by a 6:0:1 vote.

Agenda Item No. 1.2. Closed Meeting Certification.

Ms. Le offered a **motion** that the Board certify by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the Closed Meeting were heard, discussed or considered in the Closed Meeting. Mr. Alcaro **seconded** the motion. **Roll was called and the motion passed by the following recorded votes:**

AYES: Ms. Osborne; Mr. Alcaro; Ms. Callsen; Mr. Oberg; Ms. Le; and Mr. Paige.

NAYS: None.

ABSENT: Dr. Acuff

Motion carried by a 6:0:1 vote.

Agenda Item No. 1.3. Call to Order.

At 6:30 p.m., Mr. Paige, Chairman, called the meeting back to order.

Mr. Paige said that the meeting is being held electronically pursuant to Virginia state law and Albemarle County ordinance because the Covid-19 pandemic makes it impracticable and unsafe to assemble a quorum physically in a single location. The meeting is being streamed live on the Albemarle County Public School's website, and public comment may be offered through the Zoom waiting room feature in accordance with the School Board's protocol or by written submission.

Agenda Item No. 1.4. Moment of Silence.

Mr. Paige asked that during the moment of silence we remember the events that took place in Charlottesville on August 11 – 12, 2019.

Agenda Item. No. 2.1. Approval of Agenda.

Mr. Alcaro offered a **motion** to approve the agenda. Ms. Le **seconded** the motion. **Roll was called, and the motion passed by the following recorded votes:**

AYES: Ms. Osborne, Ms. Callsen, Mr. Oberg, Ms. Le, Mr. Alcaro, and Mr. Paige.

NAYS: None.

ABSENT: Dr. Acuff.

Motion carried by a 6:0:1 vote.

Agenda Item No. 3.1. Consent Agenda

- 3.1 Approval of Consent Agenda
- 3.2 Exemption from Compulsory Attendance
- 3.3. Religious Exemption
- 3.4. Appropriate FY21/22 CRRSA (Coronavirus Response and Relief Supplemental Act) Funding
- 3.5. Architectural/Engineering Selection for Mountain View Addition & Renovation
- 3.6. Exemption from Compulsory Attendance
- 3.7. Exemption from Compulsory Attendance
- 3.8. Exemption from Compulsory Attendance
- 3.9. Exemption from Compulsory Attendance
- 3.10. Exemption from Compulsory Attendance
- 3.11. Donations and Reimbursements to School Division FY 2020-21 – 3rd and 4th Quarter
- 3.12. For Action: Policy Review and Revisions
- 3.13. For Information: Policy Reviews and Revisions
- 3.14. FY 2021/22 Revenue and Expenditure Amendments
- 3.15. Religious Exemption
- 3.16. Religious Exemption
- 3.17. Religious Exemption
- 3.18. Exemption from Compulsory Attendance
- 3.19. Exemption from Compulsory Attendance
- 3.20. Personnel Action
- 3.21. Deeds of Easement and Dedication
- 3.22. VSBA Policy Agreement
- 3.23. For Information: 2021-2022 School Crisis Plans
- 3.24. Minutes
- 3.25. Personnel Addendum

Mr. Alcaro offered a **motion** to approve the consent agenda. Ms. Le **seconded** the motion. **Roll was called, and the motion passed by the following recorded vote:**

AYES: Ms. Osborne, Mr. Alcaro, Dr. Acuff, Ms. Callsen, Ms. Le, Mr. Oberg, and Mr. Paige.

NAYS: None.

Motion carried by a 7:0 vote.

Agenda Item No. 4.1. Items Pulled from the Consent Agenda. None.**Agenda Item No. 5.1. Spotlight on Education.**

Dr. Acuff said that she thinks it was on May 7, 2020, nearly 40 School Board meetings ago, that the acronym COVID first appeared on our agenda. Since then, protecting the health of our students and their families, our staff and our broader community, has been the most important priority for this School Board and for our entire school division. The good news is that while there have been some 185 confirmed cases of COVID among our students, staff and visitors to our schools, there have been few cases of virus transmission inside our schools. Today, nearly three out of four of our eligible students are fully vaccinated and in the first few weeks of our vaccination clinics last spring, nearly 2,000 of our employees received vaccines. In a little over one week, we will open our schools to more than 13,000 students with the confidence that the mitigation strategies and practices we have in place will, as they have for more than a year, continue to keep our students and staff safe. An important catalyst in these achievements has been a volunteer advisory panel of medical experts, who have unselfishly and eagerly, donated their time and expertise to keeping our community safe. For example, they:

- Review our mitigation plans and strategies for sufficiency
- Provide real time evidence-based data and information that allow us to deal with a myriad of challenges
- Support our vaccination efforts, including volunteering at our clinics and communicating with our families
- Join public meetings to talk about COVID protection practices
- Directly support our school nurses on triage decisions, and
- They nearly are always available to deliver on-going counsel to school administrators and to the members of this Board.

She said that she would like to publicly recognize this superb team of medical experts, which includes Doctors Jeff Vergales, Paige Perriello and Carlos Armengol.

Before asking each of our guests to say a few words and I know we will be sending letters of appreciation to each of you and to the members of our Student Health Advisory Board, I want to tell you how grateful we are for your public service and for the lives you have helped protect against the COVID-19 virus. We have a COVID update later on our agenda but we would welcome some thoughts from our medical experts on the current challenges we face.

Agenda Item No. 5.2. Announcements.

Ms. Collins provided the Board with an update on the summer learning program that took place during July.

Dr. Keiser provided the Board with an overview of the New Teacher Academy that took place this week. She also provided the Board with a hiring update.

Ms. Schmitt said that the Division's school bus fleet would look a little different in the future. The Division has been awarded a grant to purchase two electric school buses.

Dr. Haas said that he looks forward to having all teachers back in schools.

Agenda Item No. 6.1. School Board/Superintendent Business. None.

Agenda Item No. 7.1. Public Comment.

Mr. Joe Rice lives in the Rivanna Magisterial District. He asked that with the rising cases of the Delta variant of Covid-19, the School Division open up the option for virtual schooling again.

Ms. Nicki Athey lives in the Samuel Miller Magisterial District. She asked that the Board reject the transgender policy as written. She asked that the Board evaluate in detail how the administration has handled community input on the matters that have been before the Board this summer. Finally, she asked that the Board reject the VSBA Policy Services contract.

Mr. Bill Love lives in the Jack Jouett Magisterial District. He served on the naming committee for the school. He supports the renaming of Jack Jouett Middle School.

Ms. Marie Mierzejewski lives in the White Hall Magisterial District. She said that the answers for the transgender policy questions have not been posted as promised. She asked that the Board not adopt the transgender policy.

Mr. David Stoddart lives in the Scottsville Magisterial District. He spoke in support of the transgender policy.

Mr. Randy Zackrisson lives in the Samuel Miller Magisterial District. He said that it is difficult to communicate with the Board. There are a lot of citizens and parents that are upset about the work that the Board has been doing. He spoke against the transgender policy. He asked that the Board allow for parent input on the policy.

Mr. Daniel Mais lives in the White Hall Magisterial District. He spoke against the anti-racism policy, the proposed transgender policy, and the mask mandate in the Division.

Mr. Nick Nacey lives in the White Hall Magisterial District. He spoke in support of the transgender policy. He asked that the Board approve the policy during the meeting.

Ms. Michelle Cox lives in the Scottsville Magisterial District. She feels that the Board is trying to rush through adopting a transgender policy. The Board should gather more data from students and parents. The policy is discriminating against students.

Mr. Paul Hankle lives in the Samuel Miller Magisterial District. He said that Board meetings should be in person so that more people can participate. He opposes the transgender policy, CRT, and mask mandates.

Ms. Lisa Kline lives in the White Hall Magisterial District. She spoke in support of the transgender policy.

Mr. Matthew Mierzejewski lives in the White Hall Magisterial District. He said that he does not feel that the Board or the Superintendent want community input. It is good to hear differences of opinion and work through the differences to come to an agreeable solution.

Ms. Mikhal Salzberg lives in the White Hall Magisterial District. She spoke in support of the transgender policy.

Ms. Lisa Medders lives in the Rivanna Magisterial District. She expressed her support for all of the work that the Board is doing. She supports masks in schools and the transgender policy.

Ms. Julie Govan lives in the Samuel Miller Magisterial District. She spoke in support of the transgender policy.

Mr. Philip Hamilton lives in the City of Charlottesville. He spoke in favor of in-person meetings. He spoke against masks and CRT in schools.

Agenda Item No. 8.1. COVID-19 Status Update.

Dr. McLaughlin and Ms. Eileen Gomez, School Nurse Coordinator, provided for the Board's consideration a COVID-19 Update.

Student representative Johnson asked how many students would be placed per seat on buses.

Dr. Acuff asked if there was a plan ready for disbursement of resources if a school or schools has to go to virtual learning.

Ms. Le asked if the tents at schools would be set up and ready for the first day of school.

Ms. Le said that given that we may have what will be classified as an outbreak during summer school and assuming these are the same mitigation strategies that were in place then, she would like to see stronger action around lunch and time without masks. Are there ways to move lunch to a safer place?

Ms. Le asked if there were HEPA filters in place in school restrooms.

Mr. Oberg asked if students who had to quarantine would have the ability for virtual instruction.

Ms. Osborne asked if the schools already over capacity would be able to maintain the three feet distancing as a mitigation strategy.

Student representative Johnson asked if there would be any consequences for those students who do not wear masks.

Ms. Le asked that the Board consider adopting the following resolution:

**RESOLUTION OF THE BOARD OF EDUCATION OF ALBEMARLE COUNTY, VIRGINIA
("SCHOOL BOARD") ADOPTING ORDER NO. 21-3 OF THE DIRECTOR OF EMERGENCY
MANAGEMENT FOR THE COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the School Board recognizes that Albemarle County and the rest of the State of Virginia and the United States are in the midst of a world-wide COVID-19 pandemic that has resulted in more than 600,000 deaths in the United States; and

WHEREAS, the School Board has responded to the challenges brought about by the COVID-19 pandemic, providing students and staff members with the technology and resources necessary to ensure the efficient delivery of instruction, virtually and in-person; and

WHEREAS, the School Board has a substantial public interest in protecting the health and safety of its students, staff, and community and ensuring that the school division can provide staff and students with a safe and effective educational environment that supports student achievement; and

WHEREAS, school division staff at all levels are essential to the day-to-day operations of this school division and are responsible for the thorough and efficient education of all students and their social and emotional wellbeing; and

WHEREAS, a surge of COVID-19 cases has recently occurred, largely resulting from the "Delta Variant," also known as B.1.617.2, a highly transmissible virus that impacts individuals regardless of age; and

WHEREAS, over ninety (90%) percent of COVID-19 infections are currently occurring in individuals who have not been vaccinated against COVID-19; and

WHEREAS, the overwhelming scientific evidence has established that the vaccines authorized by the FDA for emergency use are safe and effective and recommended by the Centers for Disease Control and Prevention (“CDC”) for all individuals, except children under 12 years of age and certain others; and

WHEREAS, the School Board has the responsibility to prevent the outbreak and spread of COVID-19 infections in its schools and other facilities; and

WHEREAS, the Director of Emergency Management for the County of Albemarle, Virginia has issued Order No. 21-3 pursuant to Virginia Code § 44-146.21(C) mandating vaccinations or periodic testing for COVID-19 for the employees of the County of Albemarle.

NOW, THEREFORE, BE IT RESOLVED that:

1. The School Board finds that there exists a health emergency that requires action to safeguard student and staff against the risks of infection, illness, hospitalization, and death from COVID-19.
2. The School Board adopts Order No. 21-3 and will work in partnership with the County of Albemarle in the implementation of this Order to control the spread of COVID-19 in the school division and community.
3. The administration of the school division is directed to develop procedures for the implementation of this resolution that are based upon Order No. 21-2 as modified to reflect the specific operations of the school division and School Board Policies, Regulations, and Code of Conduct; and, otherwise, take all other actions necessary to carry out this mandate.
4. The School Board hereby delegates to the Superintendent the authority to implement and modify vaccination and testing procedures based on changing conditions and to maintain conformance with the requirements of the CDC, Virginia Department of Health, Blue Ridge Health District, and other applicable health authorities.

Mr. Oberg offered a **motion** to adopt the resolution read by Ms. Le. Mr. Alcaro **seconded** the motion. Mr. Paige asked for discussion. Dr. Acuff said that time is of the essence and we have the responsibility to do our utmost to protect students especially those under the age of 12 and to preserve our ability to educate students. Ms. Le asked Dr. Haas if he could share any information on timeline or process. Dr. Haas said that this week we put together a joint task force with local government staff to develop a process for beginning to collect vaccination information about all of our staff. We hope to begin that process within a week from now so that we can have accurate records on who is vaccinated and who is not. We then begin reaching out to those who are not vaccinated to start the process of getting their weekly test or in the process to get vaccinated. Ms. Le said that given the short incubation period for the Delta variant, it does not seem that a weekly test does not seem to make quite a bit sense. Dr. Haas said that he will take that under advisement. Mr. Paige asked if we would be following the same guidelines as the County as a whole. Dr. Haas said yes, the deadline will be September 15. **Roll was called, and the motion passed by the following recorded votes:**

AYES: Ms. Callsen; Mr. Oberg; Ms. Le; Ms. Osborne; Mr. Alcaro; Dr. Acuff; and Mr. Paige.

NAYS: None.

Motion carried by a 7:0 vote.

Agenda Item No. 8.2. Transgender Policy.

Mr. Holden provided for the Board's consideration a revised draft of the proposed transgender policy. Virginia Code § 22.1-23.3, which was enacted by the General Assembly in 2020, mandates action by both the Virginia Department of Education (DOE) and local school boards. The statute requires the DOE to develop model policies concerning the treatment of transgender students in public schools, addressing, among other things: • compliance with applicable nondiscrimination laws; • maintenance of a safe and supportive learning environment free from discrimination and harassment for all students; • prevention of and response to bullying and harassment; • maintenance of student records; • identification of students; • protection of student privacy and the confidentiality of sensitive information; • enforcement of sex-based dress codes; and • student participation in sex-specific school activities and events and use of school facilities. Activities and events do not include interscholastic athletics which are governed by VHSL or similar organization. The DOE's Model Policies for the Treatment of Transgender Students in Public Elementary and Secondary Schools were made available for public comment, as required by law, in late December. The DOE received over 9,000 comments during the public comment period. The final version of the document was distributed to local school divisions via Superintendent's Memo 085-21 on April 2, 2021, https://www.doe.virginia.gov/administrators/superintendents_memos/2021/085-21.pdf Virginia Code § 22.1-23.3 requires school boards to adopt policies that are consistent with the DOE's Model Policies by the beginning of the 2021-2022 school year. The proposed ACPS policy is aligned with the VDOE's guidance as well as the decision of the United States Court of Appeals for the Fourth Circuit in *Grimm v. Gloucester County Public Schools*. Based on discussion of the Board on July 8th additional language has been added to the proposed policy.

Mr. Paige thanked Mr. Holden for his work on this policy.

Mr. Oberg said that he supports this policy. The one provision that gives him pause is the paragraph that talks about the fact that parents could not be informed. It is not clear to him when that would take place and who would make that decision. Are there other policies that are similar to that and how do we follow it in those cases?

Student representative Johnson said he understands that there are concerns about the policy. It is important to understand that your child cannot hide it forever. This policy will allow students to feel more comfortable at school. It is better to hear it from your child when they are ready rather than having someone at the school tell you.

Mr. Alcaro offered a **motion** to approve the policy on the treatment of transgender and gender expansive students. Ms. Le **seconded** the motion. Mr. Paige asked for discussion. Mr. Oberg said that he believes this policy will work but would like for staff to provide an update on how it is working, how it is being applied, and if any changes are needed. **Roll was called, and the motion passed by the following recorded votes:**

AYES: Mr. Oberg; Ms. Le; Ms. Osborne; Mr. Alcaro; Dr. Acuff; Ms. Callsen; and Mr. Paige.

NAYS: None.

Motion carried by a 7:0 vote.

Agenda Item No. 8.3. Break.

There was a break from 8:37 p.m. until 8:47 p.m.

Agenda Item No. 8.4. Superintendent's Recommendation Regarding Naming of Jack Jouett Middle School.

Ms. Fernandez, Ms. Johnson, and Ms. Peters provided for the Board's consideration the Superintendent's recommendation for the naming of Jack Jouett Middle School. The presentation included an overview of the intentions of the school name review process, a review of past school name

reviews, an overview of the composition of the Jack Jouett Advisory Committee, a review of the advisory committee review process, and the Superintendent's recommendation to change the name of Jack Jouett Middle School to Journey Middle School.

Ms. Le said that she was pleased with the amount of student engagement in the process.

Mr. Alcaro offered a **motion** to change the name of Jack Jouett Middle School to Journey Middle School. Mr. Oberg **seconded** the motion. **Roll was called, and the motion passed by the following recorded votes:**

AYES: Ms. Le; Ms. Osborne; Mr. Alcaro; Dr. Acuff; Ms. Callsen; Mr. Oberg; and Mr. Paige.

NAYS: None.

Motion carried by a 7:0 vote.

Agenda Item No. 8.5. Redistricting Study for Crozet Elementary School Addition.

Ms. Schmitt provided for the Board's consideration a proposal for a redistricting study for the Crozet Elementary School addition. The school division has experienced enrollment growth in the Crozet area. Brownsville and Crozet Elementary Schools are both currently overcrowded, and Brownsville Elementary currently utilizes 8 mobile classrooms on site. To address the overcrowding, an addition onto Crozet Elementary is currently under construction and is scheduled to be completed for the 2022/23 school year. To utilize the additional seats and address overcrowding, the boundaries of Brownsville Elementary and Crozet Elementary must be redrawn.

Staff recommends that the School Board approve the study objectives and details as outlined in the attachment and direct the Superintendent to convene a redistricting advisory committee to conduct the study beginning in September 2021 for implementation beginning in the 2022/23 school year.

Dr. Acuff said that the plan covers three to five years and that seems short to her.

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

Agenda Item No. 9.1. Other Business by Board Members/Superintendent.

Dr. Haas said that the next school for a name review would be Broadus Wood Elementary School.

Mr. Alcaro asked when the Board would receive a report from the Long-Range Planning Advisory Committee.

Mr. Alcaro said that he appreciates that partnership with the doctors noticed during the Spotlight on Education, but he also wanted to give a shout out to the members of the School Health Advisory Board.

Mr. Paige said that there were several comments about the Board meeting via Zoom. He noted that the Board of Supervisors had passed an ordinance regarding the pandemic which moved the meetings to virtual. Until there is a shift with the Board of Supervisors, meetings will remain virtual.

Agenda Item No. 10.1. Closed Meeting. None.

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

Agenda Item No. 12.1. Adjournment.

At 9:12 p.m., hearing no objections, Mr. Paige adjourned the meeting of the Albemarle County School Board.

Chairman

Clerk