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Loudoun County School Board, Legislative and Policy Committee Meeting, Monday, April 10, 2023

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Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 38m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/816238769?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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[00:02:21] Good afternoon. This is Atusa Reeser calling to order the April 10th meeting of the Legislative and Policy Committee. We will begin with item number two, public comment. There are no individuals signed up to give public comment today, so we will move on to item number three, which is approval of the draft minutes from March 6th.

[00:02:44] Can I get a motion, please? I move to approve the minutes from the March 6th, 2023 LNP meeting as posted in Board Dox. Second. The questions have been made by Mr. Sorotkin and seconded by Mr. Beatty. All those in favor, please raise your hand.

[00:03:02] Aye. Aye. That will pass unanimously with all committee members present. And we'll move on to item number four, which is discussion of the legislative activities. And I will turn that over to staff, please. Thank you, Ms. Reeser.

[00:03:21] For discussion this evening, we have a tentative schedule for the 23-24 school year related to legislative activities. The only significant changes on the document are the dates, so all of the activities from last year carried over to this document.

[00:03:43] So the one note I would make, the first item on the list, the local delegation debrief of the 23 general assembly session at the LNP committee, we're looking at that for potentially happening at a board

meeting where we may be recognizing some of our departing legislators.

[00:04:01] So that may adjust based on our planning for the agenda for the May LNP meeting. So we are happy to take any feedback or answer any questions on this item, but we just wanted to get it out there within the committee.

[00:04:18] Thank you. Any questions or comments from committee members? Okay. Well, thank you for putting that together for us, and I look forward to hearing back about the proclamations for the retiring legislators legislators and whether we're going to have a debrief or not i suppose one factor that may come into play is what happens with the reconvene session as well the legislators may wind up still being indisposed or maybe they'll have updates that we want to hear sooner rather than later later so we could maybe check in with Jackson West on that as well thank you for this

[00:04:58] we will move on to item number five our action items adoption of new policy 3310 evaluation of new and established programs i would like to ask staff to address some of the feedback that we got if you're prepared to do that there was extensive feedback and some of the suggestions were were good but i think we need to at least be on the record for being responsive to the advisory committees and the individuals that wrote in, so I'm not sure who to turn that over to first.

[00:05:37] Okay, Dr. Tyler. Good afternoon, and thanks to the school board members for disseminating the draft policy to the key stakeholders. The RASI Office of Research Assessment School Improvement appreciated receiving that feedback.

[00:05:55] So after having reviewed some of the comments, we have some global concepts here that I could summarize unless you want to go through item by item or any particular items you would like to discuss. I think if you'd like to start with your summary and if there's specific items that a committee member wants to follow up with we could do that. Okay. Thank you. So first the idea of clarifying the process for the schedule in particular how the factors will be weighed to identify programs for evaluation and in reflection is in thinking about some of the feedback the idea

[00:06:33] of finding the balance between looking at the scope of a program, its possible impact, how aligned it is to goals. We also want to be flexible enough for a scenario where a program may focus on a smaller number of students with higher needs, may be prioritized over an overall program that's looking at, say, general implementation of a curricula, meaning if there's a program meeting the needs of tier three students, it may be smaller in scale, but we want flexibility to have that be a priority. So thinking about that feedback, still having factors as far as being

[00:07:11] aligned to the strategic plan, having a particular scope of an impact on a large number of students or stakeholders, and then some of what's listed in that part of the policy, but being flexible to where we don't have an index that says you must prioritize it this way and not give ourselves flexibility. So another item was regarding whether, so we're looking at flexibility there, not getting too tight with the definitions.

[00:07:37] As far as where the superintendent fits in this process, what we noticed was that when we're talking about prioritizing programs or discontinuing programs, we'd started off with the language of the superintendent items or recommendations brought to the superintendent for discussion with the board.

[00:07:56] And you remember that we made some initial changes where it would actually be the board, and it appears as though some of the feedback was, well, what about the role of the board and the

superintendent? if you have to discontinue a program for example should there be a role for both it's brought to the superintendent in consultation with the school board so we're wondering about where the school board falls on that item resolving ambiguous language the idea of charter schools and defining stakeholders we have language where we could define clearly stakeholders would include students and staff and families and other examples and we can provide language around like charter schools

[00:08:35] Someone had asked, if a charter school is an arrangement and a contract between an outside entity and the school board, they wouldn't be subject necessarily to a program evaluation schedule if there's a separate contract or agreement. So that was some of our wondering around clarifying that.

[00:08:56] And then reconciling this with policy 5115, specialized programs, The idea of not having this be an overarching policy but recognizing the specialized programs when we're doing continuous improvement would have its own particular schedule with like a May delivery date and not having a program have to be subject to two different program evaluations.

[00:09:18] So there was a question about 5115 and 3110 that 3110 would complement programs that are subject to 5115 and not require multiple evaluations for that case. And then finally, we can develop a list of programs to be resolved in the regulations, for example, if that's too much detail for policy.

[00:09:40] So that's my overview from the team as far as some five different themes that we saw that we think can easily be reconciled. I would say, as I wrap it up, this is our practice. It's not a research office policy.

[00:09:56] This is what does the school board and the superintendent and the stakeholders, what do they think in value when it comes to continuous improvement? So this is more to be negotiated than, say, dictated by staff from our perspective. Mr. Brady?

[00:10:14] Thank you, Chair. Sure. One question about the charter schools. My understanding that the reason that wasn't in this original policy was because there already is a policy for it, right? So that seems a moot point for us to need to clarify that here unless you cross-reference and say the charter schools are governed.

[00:10:30] But I'm okay with that. And I think any clarifications that make the definitions more specific, I'd be in favor of supporting. Thank you. So could we maybe just add something in line 14 that lets people who may not be familiar with the charter school agreement know that that's addressed somewhere else?

[00:10:54] Because that's a valid point. I mean, we all understood that, but maybe someone from the public just looking at this policy wouldn't. Yes. Thank you. I also had a question about, so when we, addressing your question about the role of the superintendent and the comments that were in the feedback from MSAC, they point out themselves at lines 28 through 30 that the superintendent shall recommend to the school board to discontinue any programs that are found to violate the law or have a negative impact on students.

[00:11:29] So there is, there is a role for the superintendent and I think in changing some of the language to have the school board decide i know i assumed that and i think it's a fair assumption to make because it's generally the superintendent at the meetings who's presenting things along those lines if not it's typically one of you or senior staff which i can't imagine would ever do that without consultation with the superintendent first so if you think there are other places where it needs to be spelled out that the superintendent is part of the process before the presentations or the

[00:12:08] the recommendations are made I'd certainly be open to that but that was what I understood was was going to happen I see Dr. Ellis nodding her head I agree I'm I think that we could perhaps say superintendent or designee just to clarify that some it won't necessarily always be that one individual but to your point it will always be the superintendent or one of us sitting here and

[00:12:40] regarding the comment about negative impact on students being quantified or defined was it staffs thinking that that would be done through regulation or is there already a definition for that or I can understand why some of the commenters are wondering what does that mean is that subjective or objective so forgive me my eyes are irritated by the sun for some reason

[00:13:11] no I'm fine so what we were thinking is negative impact could be perceived by some as a program that is labor intensive and has no measurable benefit to students could be perceived as harmful it's a waste of student time another could be a situation where it's a social emotional impact it could be a program that's well intended to provide counseling for students but it's it's finding that it's providing some sort of harm.

[00:13:41] So we could define that more in a regulation and give ourselves more flexibility, but I think part of that is being clear as far as harm that is, again, social-emotional in nature versus not a very effective use of student and staff time, which could be considered a waste of instructional time, could be defined in different ways.

[00:14:04] So we would likely come to the board with a definition of what harm may mean, And when we would discontinue a program to immediately limit or stop the harm. I think having some definition of negative impact, even if it's just in regulation, would be helpful so that everyone understands that we're using the same language.

[00:14:27] So that if there's a different board, they may think of something as having negative impact that this board doesn't. And it really shouldn't, I don't think, maybe having it be more objective rather than subjective or at least defined ahead of time keeps the pendulum from swinging, which could be difficult to implement.

[00:14:46] And I see Mr. Beatty would like to comment. Yeah, I guess I'm thinking of the practical nursing program, which I think was kind of the impetus for this. But I think some of the negative harm for that was that couldn't find staff. It was, I think we weren't going to get accredited, and there was an issue with that.

[00:15:02] so I mentioned like those kind of details you can't really foresee and that's kind of I think allows gives credence the fact that having the ambiguity having the flexibility for staff to come up come forward and say this is why and I think that's why it's important the school board ultimately decides to close a program I'm okay with the way that it's written as it is okay any other questions or comments on this policy so I suppose we need to well I'd be interested to know

[00:15:37] if the committee feels that with the slight changes that are being made do we want to have it come back for action or information again I'm okay with it coming back for action with this with the changes that we've talked about but I just want to see action thank you madam chair so it's listed as an action item tonight but I wasn't sure like is your intent to bring it back again or just a vote on it now well are we changing language based on this or just we we ask for some things to be defined uh potentially in regulation but um but i thought that there was

[00:16:15] well we were also changing the language with regard to charter schools so we could just bring it back for action again so that we could see how negative impacts is also defined okay sorry and you're right i'm used to us going information items first at board meeting or actually no i'm just going to move on to item number six yes one quick clarifying question so we will make those changes regarding charter schools I heard the conversation around defining

[00:16:53] negative impact and I think based on mr. Beatty's comments I would recommend those being regulation versus policy to allow for a little bit more flexibility do you need to see a regulation before you approve the policy or you are you expecting to see a complete draft of a regulation at the next meeting I guess I think seeing some language around how negative impact is defined would be helpful since we're not going to have it in the policy i think it's it's fairly crucial yes great

[00:17:27] thank you thank you okay and one other item dr ellis and superintendent or designee was the other change as far as uh bringing programs as far as being evaluated or discontinued so i i i think that i was leaving it to you to think about if there's other places in the policy where you also want to make reference to just to help clarify that if there's a role for the superintendent making the decision but if you don't feel like that's necessary I think Dr. Ellis followed which

[00:18:02] comments I was being responsive to thank you thank you okay moving on to item number six our information items 6.01 revision of policy 3120 powers and duties Mr. Slevin thank you Mr. Reserve. This policy update for 3120 Powers and Duties comes from a VSBA recommended policy titled Administrative Action in Policy Absence. The recommendation from staff, as opposed to

[00:18:38] creating a brand new policy based on the VSBA policy, we thought that adding the language from the proposed policy into the existing Powers and Duties policy would be a more efficient way about including that language so we're happy to take any questions or if you'd like further information on this recommendation okay thank you um committee members questions or comments i'm seeing none from the other committee members i i do did you want to add something else sorry

[00:19:15] the only thing i would offer up if you would like an example where this policy like like what would be a scenario where this would be in effect sure i think that would be helpful my question was going to be along those lines I wondered if it was contemplated to include language that I don't see here for example that there would be an attempt to make forum for a special school board meeting or an emergency school board meeting but that if that couldn't be done or if time was of such essence that even that needed to be circumvented so maybe having an

[00:19:52] example would be helpful. Mr. Falcone would you be able to talk a little bit about that? Absolutely so it's it's a little hard to to think of a a forward-thinking example because if we had it we'd probably pass a policy and avoid it but a couple of examples I mean I think I think the biggest example or most obvious example would be mitigation measures in the event of a pandemic

[00:20:19] So, you know, schools are operating as normal, and a directive from the health department is to have social distancing or some other mitigation measure that's in place that is not addressed specifically in policy in any fashion.

[00:20:37] And so this would allow the superintendent to put those types of measures in place. The other example I could think of would be in the event of a dramatic change or clarification in law where, and so

I'm thinking of the Gavin Grimm case where it was a law regarding the applicability of transgender student rights with respect to Title IX.

[00:21:06] And so that would be a situation where you'd allow the superintendent to have some authority to respond to that change in an emergency basis, and then the board would have to act on that afterward, once they had a chance to be at the meeting.

[00:21:27] and the policy requires the superintendent to notify the board of any of the changes that were taken and of the need for an adopted policy. Does it, I don't see any language about how, I don't see language about notification.

[00:21:48] I do see that it's subject to review at the next regular meeting. So my computer just crashed, but my recollection is, hold on, let me find it. Yeah, it's on line 145.

[00:22:08] It is the duty of the division superintendent to inform the school board promptly of such action and of the need for policy. So I think what I mean is properly defined. We're doing this. This isn't required, right? This is just a recommendation by VISPA.

[00:22:27] I don't know that it's not legally required to have a policy that says this. I think this is memorializing what is probably what is generally the practice in most school divisions. Most school divisions, by the way, have some version of this policy.

[00:22:42] Sure. No, the reason I asked was I just wanted to know if I had to keep in mind that there may be parameters that are set by code or something else that I'm not thinking of. So without that, I suppose, like, my questions are what does promptly mean and also the first point I made, which was should there not be an attempt to at least achieve forum for a meeting?

[00:23:13] You could certainly include that in the policy. I think the concern there is, and I don't know what the emergency scenario would be, but if circumstances precluded that attempt, you wouldn't want to put that in there, I guess.

[00:23:30] Right, and I suppose we could include that language, and I don't feel strongly about it one way or the other. The reason I recalled or thought of this is because that is how we did it when the pandemic happened. we added emergency meetings and had the information presented to us, and the board was part of the decision-making to begin with.

[00:23:50] And I'll open it up to other committee members to weigh in on whether they think there needs to be any edification or definition of any of the terms here or not. I just wanted to raise the issues as I spotted them.

[00:24:08] Mr. Stockton. Thank you, Madam Chair. So I think I'm okay with the promptly language because given that it says they're subject to review by the school board at its next regular meeting, I think that at least strongly implies that the superintendent would notify the board before the next meeting so that it could be discussed during the meeting.

[00:24:28] So I think that is clear enough because of that. Whereas if that had been missing, I would say, okay, we need some way of bounding it. But given that that's there, I think it's okay. I'm still, I'm not entirely clear on what you're getting at with the line of questioning around whether you could have quorum or whether an emergency meeting could be called because I'm.

[00:24:52] Well, if an emergency action is being taken by the school division and it's something that the school board later has to ratify, an attempt could be made to just have an emergency meeting first. And if a forum could not be achieved or if a meeting could not be accommodated, then the superintendent would have the responsibility of bearing the decision-making without the board weighing in.

[00:25:20] Okay, I see what you're saying now. Mr. Beatty? Thank you, Chair. No, I think that's a good point that you're bringing up. And I'm thinking back to the pandemic. Like, there was a month or so where we couldn't really meet and we were still kind of trying to figure out what was allowed.

[00:25:40] And it wasn't until, I believe, we had the governor's amendment to the budget or something. so um that kind of clarified it so i can see uh i think properly is fine but again i think making sure that there's a directive to the superintendent or the division superintendent um yeah to the division superintendent to attempt to uh call the school board together in order to make sure that and i think if that's not possible then the extraordinary action can be taken and again it will get reviewed so i think i i like what you're where you're trying to take this yeah and i think

[00:26:16] that in essence would provide some notice itself of what's being contemplated before a decision is made or broadcast publicly and even if quorum couldn't be reached it it would provide enough opportunity that if the board chair wanted to give some feedback or input it would happen so Mr. Falcone do you have what you what you need to go with that sure that I was trying to draft it right now and I don't I don't think I'm going to be able to pull that off but I mean we can we

[00:26:49] can come back to it if you want to take a minute we can go on to 6.02 okay thank you okay so 6.02 is revision of policy 2520 participation by the public yes so this is the first review of proposed revisions to the policy chair Rieser requested some revised language to paragraph d of policy 25 20 participation by the public so starting on line 74 this has to do with

[00:27:24] public comment during committee meetings specifically whereas we advertise a limit on the amount of time for public comment at committee meetings trying to address whether or not that would give us the ability to limit the number of speakers based on the time allowed so the language at it I'll just read it is is the chair determines the time available for public comment based on the number of speakers in the agenda the individual public commenters shall not have more than five minutes to make public comment in any meeting and the committee chair reserves the right to limit the number of

[00:28:02] speakers at committee meetings in the event that the estimate estimated they estimate the time for public comment is likely to exceed the time allotted in the agenda should that be the estimate instead of they estimate maybe okay oh yes i see that's what i thought the first time i read it but But since you paused, no, that's okay.

[00:28:28] And I feel like I should add here the discussion that we had around why it might be necessary to add this. This committee has had a time limit for public comment for many years.

[00:28:45] It was five minutes at one point, then it became ten minutes. Because it is such a short committee and is usually followed by another committee, There was just the concern that if we had extensive public comment, we wouldn't be able to do things.

[00:29:00] And especially in this committee, sometimes things are extremely time-sensitive. So I started becoming concerned that if we have, as has been noticed, just 10 minutes for public comment, what happens if one day we have 30 people sign up or so many people that nobody would really be able to make

any kind of meaningful public comment and in discussions with staff about what proper notice would need to be given, this is the language that came back.

[00:29:31] So just providing that background, I'd like to open it up to other committee members to see if there were any thoughts or concerns. Mr. Beatty. Thank you, Chair. Sure. Going back to the allotment of time in the agenda, how many committee meetings and I guess even board meetings have that in the agenda as of right now?

[00:29:54] I think it's up to each individual chair. at each individual meeting it doesn't even have to be consistent it just has to be in board docs when it's being implemented mr sorotkin thank you madam chair is the intent of this to also have that apply to full school board meetings as well because i'm reading it that way based on what's on line 74 where it says the chair determines the time available for public comment based on the number of speakers in the agenda so and i'm not sure if that's the intent or not

[00:30:31] The conversation was around this specific committee and having committee chairs be able to do that, but I suppose that's a further discussion we could have if we want to leave it broad and allow the school board chair to have that same authority.

[00:30:52] Right, because right now the school board chair can determine the number of minutes that each speaker is given, but they've never had the authority to say, oh, we're only going to do 30 minutes of public comment today or anything like that. And I would – as the current school board chair, I would not want to have that power to make that every meeting because no matter what time limit I'd be set, someone would be unhappy with it.

[00:31:15] So if the school board wants to set a time limit, then in policy that's one thing. But I would – I don't think I would support having a variable time limit at any meeting for that. Sorry. I don't think this makes the – this says committee chairs. So we would have to – right? It says committee chairs at 76 to 77.

[00:31:35] Can I make a suggestion? Yes. So perhaps on line 76, after public comment at any meeting, we make that a period, and we strike the word and, and then just have a standalone sentence for committee chairs, so it's very clear that it's. But I'm looking at the sentence before that on line 74 that says the chair determines the time available for public comment based on the number of speakers in the agenda.

[00:31:59] I think that just needs to maybe be clarified to say that the number of. No, no, I think that is supposed to be for everyone, because the chair does determine the time available for public comment based on the number of speakers and agendas, correct?

[00:32:16] Currently. If you look at lines 72 and 73 that was struck, that's just a repeat of what was already in policy? Right, and it goes on. The only part that gives someone the right to limit the number of speakers is at lines 76 to 7, which is committee chairs.

[00:32:38] Like, the intent is not to give the school board chair any more authority than it already has. What I was saying was if we want to consider that, we could, but I don't think the new language does. I may just come back with a suggestion on how to clarify that language so that it's one thing and could not be misinterpreted to be the other.

[00:33:01] Well, we could, to Mr. Slevin's suggestion, if we put a period on line 76 and start that last sentence with committee chairs, would that resolve your concern? It would not.

[00:33:18] Okay. Mr. Beatty. I think I see exactly what Ian's talking about, Mr. Slevin's talking about. Because you could read this as the chair determines the time available for public comment, and that could just mean the entire span on the agenda, because we've already said the agenda can have a time for public comment.

[00:33:36] If I might, I think getting rid of that red line, just keeping the line that we've removed and getting rid of those two things would clarify for me. And then Mr. Sullivan's suggestion would fix that issue for me.

[00:33:52] Okay. I look forward to see what my colleagues' other suggestions are. So do we want to just keep the sentence that was there before? So if I could paraphrase, Mr. Beatty, you're suggesting striking the new language on line 74 and 76 and keeping the original language and then making the committee chairs the start of a new sentence.

[00:34:20] Yes, I think that would fix my issues with it, and I think based on what my colleagues have said, I think that would fix the other issues, but I don't want to speak for this. Mr. Sorokin? I agree. I think so as well. Do we want to have that come back for information again or just for action with those changes?

[00:34:42] Is that okay with that? Thank you. Okay. So we'll go back to item 6.01, revision of policy 3120 to see if Mr. Falconi has a different suggestion for us sure so my proposed language is I'll just I'll just read the whole thing in cases where emergency action must be taken by the school division and the school board has provided no guidelines for administrative action the division superintendent has the power to act comma but the division superintendent

[00:35:19] must attempt to convene an emergency meeting of the school board prior to taking such action when the division superintendent determines that it is reasonable to do so, period, new sentence.

[00:35:35] The division superintendent's decisions are subject to review by the school board at its next regular meeting. It is the duty of the division superintendent to inform the school board promptly of such action and of the need for policy. So I'll open it up to the committee members to see if they have any questions or comments first.

[00:35:55] saying when it is reasonable to do so it refers to calling the meeting that's right so that would basically say it's up to the division superintendent to make the decision determination as to whether or not it's reasonable to attempt to convene a meeting prior to taking the action or if it's just so much of an emergency that even in that's correct okay I'm okay with that as well so um I'll just go ahead and any other questions or comments before we make a motion

[00:36:26] on that I'll move that the lmp committee recommend to the school board to adopt so we'll bring this back for action next time I think I thought Mr. Falcone was yeah we'll bring it back we have to send it out for for public input or for advisory committee input so we'll wait on that and bring it back next time with the advisory committee input please okay so moving on to item number seven

[00:37:06] is new business any new business from Mr. Beatty or Mr. Saratkin with that we are adjourned thank you



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