



MACHINE TRANSCRIPT • CORAGGIO CONSULTING

Loudoun County School Board, Student Services Committee Meeting, Thursday, November 16, 2023

Date Thursday, November 16, 2023
Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 1h 14m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/885390516?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

Machine transcript (speech-to-text) produced by Coraggio Consulting. Not an official county record. Names and numbers may be misspelled; check the video at the timestamp before quoting.

Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-21. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:00:00] Ms. Sheridan reminded me that we have another meeting here scheduled at 6 p.m. also? That is correct. Okay, thank you. We can get started, I guess. I call to order the Student Services Committee in November. I'm Harris Medwi, I'm the chair, and I'm joined by Ms. Ogaducki and Ms. Sheridan.

[00:00:20] Second item on our agenda is public comments. I've been notified that there are seven public comments, so we can allocate about two minutes each this evening. our first speaker give me one second and get my clock out did nobody nobody does it for me

[00:00:44] uh the first speaker we have is uh erin thomas two minutes hi good evening not really sure why we're here to debate this tonight um i think it's pretty evident we need to adopt these policies

[00:01:15] i and many other parents of lcps feel bullied our boys are being groomed our girls are not protected. Why are teachers having entire classes at Woodgrove High School declare their pronouns in writing? Why is that still happening? This is compelled speech and a violation of the First Amendment. Why are coaches allowing biological females to walk around in a thong underwear in the boys' locker rooms? How does any of this support diversity, equity, and inclusion for all?

[00:01:53] I call on you to adopt the 2023 model policies that ensure privacy, dignity, and respect for all students, not just a few. Per Virginia law, you are required to adopt the model policies.

[00:02:10] The administration's lack of compliance denies our kids the right to privacy. Privacy is not a choice. It's a right. There is nothing to debate here. The only question tonight is how soon will you rescind policy 80-40 and adopt the model policies?

[00:02:30] Thank you. Thank you. Our next public speaker is Clint Thomas. Good evening. Thank you for your time this evening. I'm here in support of the model policies that the governor put in place, or VDOE put in place back in July, I believe.

[00:02:52] We believe that all students have a fundamental right to privacy, dignity, and respect. Not just the few at the expense of others. Students have a fundamental right to privacy dignity and respect I wonder if you three have had a chance to actually read the entire document it's amazing and I really don't envy you at all and I mean that sincerely on one hand I do believe that most of you have an ideology that would support 80/40 and want to keep it in place based on what I know of you from the past but on the other hand you are required under Virginia section 22.1 through 23.3 sub

[00:03:27] part B to actually require to adopt the policy. So I'm sure you've read the document. I'm sure you know that. So you're kind of in a quandary, right? Because on one hand, you want to use Gloucester to hang your hat on, but Gloucester is a thin, thin straw, thin thread to hang your hat on. When you actually think about the entirety of the law, which is also in here, which I'm sure you've read, coming, first of all, with the First Amendment and compelled speech, we don't want to have our students subject to compelled speech so that's a problem you have the 14th amendment which provides for equal protection under the law well that's not happening because you're compelling speech you're mandating students do

[00:04:06] prefer pronouns in class even if they don't want to you have teachers who are intimidating students if they dare stand up and walk out at Woodgrove High School so that's a problem so these kinds of things are happening so the first amendment 14th amendment you have title 9 that's a big one title 9 actually let me read it to you real quick it's actually quite amazing it actually permits the separation of students by sex for assignment to sleeping quarters and then it follows up a US code section 1686 1686 is also quite damning in policy 8040 it implements regulations similarly that

[00:04:42] provides for sex separated toilet locker room and shower facilities so you need to adopt the model policies thank you yeah thank you wait a minute I still I think it didn't start properly on time, so I've been keeping track of this here. Is that true? Make sure. Okay.

[00:04:57] All right. Thank you. Thank you. Adopt the policies. Thank you. Thank you. I think it's good. Next speaker, we have Anne Miller. Good evening.

[00:05:15] 8040 violated my son and his teammates' rights to privacy and safety. You are required to keep all students safe. Under 8040, you are not. 8040 is a massive train wreck, and the wreckage is starting to be brought to light. How dare you hold the innocent children of LCPS hostage to an untenable policy?

[00:05:37] Every single child in this county is guaranteed, by law, equal protection. 8040 violates the 14th Amendment and does not provide equal protection to all LCPS students, only a select few. I believe Mr. Harris warned you all about that.

[00:05:54] Grimm, FERPA, and 8040 do not in any way negate this school system's obligation to protect the privacy and safety of every single one of your students. LCPS must stop sticking your heads in the sand while the children of this county bear the brunt daily of their privacy and safety not being protected and their privacy being violated.

[00:06:17] Attorney General Mieres has stated that the new model policy complies with all federal and state statutes. Nothing is stopping you from rescinding 80/40 and providing equal protection for all students in LCPS.

[00:06:32] Please do the right thing immediately. Thank you. The next speaker is Beth Hess. Good evening. At a recent meeting I attended with Dr. Spadts, we asked him when he expected the board to implement Governor Youngkin's model policies so that LCPS students, particularly females, will be treated with respect.

[00:07:02] He told us he did not know because the legal team was reviewing the policy. This is absurd, as pages 6-9 of the documents support the conclusions, referencing, as has been spoken about, the First Amendment, the 14th Amendment, Title IX of 1972, FERPA, and the Code of Virginia.

[00:07:20] It apparently is not good enough for the LCPS Board, as staying in the news and racking up legal fees seems to be the preference of our current Board. Another key item from the meeting that I had is the issue that girls throughout LCPS are talking amongst themselves about their fear of going into the bathrooms.

[00:07:39] Dr. Spence replied that these girls are only afraid due to misinformation. This lack of respect for female students is astounding. Dr. Spence went on to tell us that LCPS does not have boys in the girls' bathrooms, rather we have transgender females.

[00:07:56] Apparently, being a PhD in education requires no understanding of basic human biology or common sense. These statements from the superintendent clearly tell us that there is a culture throughout LCPS to deny basic biology and that staff and students are expected to go along with the nonsense. The only misinformation is the denial of biology. Let me remind everyone the key components of the model policy is to protect female students in their private spaces such as bathrooms and locker rooms and that boys will not be allowed to compete and girls sports. Implement Governor Youngkin's model policies, or the board can expect more legal

[00:08:35] troubles. Thank you for your time. Thank you. Next speaker is Isabella Ortega. Hello. I want to thank you for allowing me to speak today. I'm a female student at LCPS, and it is ridiculous that I should have to worry about a male being able to come into the female restroom anytime he wishes. 80-40 needs to be overturned on a matter of safety and propriety. All these

[00:09:10] adults have listed constitutional amendments that clarify the distinction in order for safety and respectability in our world. I shouldn't have to worry or pray that I will be the only person in the bathroom. I shouldn't have to run through scenarios of my head of what to do if somebody tries to harm me in the bathrooms as per what happened in 2019 in our schools. I am a minor.

[00:09:47] this is not something that I should be concerned with. It was brought to my attention by the principal of Woodgrove High School that staff in LCPS buildings act in local parentis during the school days. In local parentis means that you act in service of the parents when the parents aren't physically able to be there. If that were true, we wouldn't be letting boys into girls' rooms or girls into boys' rooms. My parents would not stand for that. Please refer to basic biology,

[00:10:22] basic science, in order to make your decisions and listen to the students, listen to the parents, because we are not making this up for clout or to cause any sort of hysteria. This is what we're going through every single day and should not be that way. Thank you. Thank you. The next speaker is Abby

Platt. My purpose in coming here today is just to appeal to you as a parent. I often hear from my kids and from other kids that they are friends with, that they don't feel comfortable

[00:11:01] in the bathrooms, locker rooms, showers at school. And I'm talking about from elementary to middle to high school. And I'm begging you to please do the right thing, to think about the safety and the privacy of all of our students, and not just a very small portion.

[00:11:19] I would never want to put them in a vulnerable position either. I want all students to be able to feel safe at school, and I'm very concerned that when we have a girl in a boy's locker room, regardless of how that child identifies as a mother, it terrifies me, and for her safety and for the boys, it is a disaster.

[00:11:50] So I'm asking you to please do the right thing, adhere to the new model policies. Thank you. Thank you. The next speaker is Erin Dunbar, the last speaker tonight. Kind of the same as Abby, just I don't want to speak to you as a mother.

[00:12:09] I honestly don't know how, as moms, you can be okay with this policy. Just the idea that there are children that are standing up here begging you to please change us because they don't feel safe in the bathroom. Do you remember being a teenage girl going to the bathroom?

[00:12:25] Like when you got your first period and you had to go in there and you're worried about the crinkle of the wrapper and the girls in the bathroom hearing it and thinking they're going to know what you're doing? Imagine having a boy in the bathroom listening to that and how you would feel. I mean, I don't know how as a mother you can be like, oh, it's okay because there's a fraction of a percentage of kids in the school system that might feel like they need to have the right to be in that bathroom.

[00:12:45] How is that okay? You're telling the vast majority of the rest of the LCPS students that their opinions, their safety, and their emotional well-being, because as a teenager, everything is traumatic, everything is huge, that none of that matters to you.

[00:13:02] because a fraction of a percentage of the students in the school might feel like that day they belong in that bathroom. Policy 8040 gives you no blanket evidence or proof to, or, that's the word I'm looking for. It doesn't allow you to just make decisions that negate the opinions and will of everyone else in the school system.

[00:13:26] And the new model policies give you a way of saying, okay, we messed up and we realized that we need to rethink this and go back to the drawing board and rework what we're going to do to help all of the kids. I understand that these kids that are gender confused need to be supported too.

[00:13:46] But negating everybody else is not how we do it. And I think you now have a way to go about that, and you need to take that into consideration. Thank you. That was our final speaker. We'll move to the item on three on the agenda.

[00:14:01] Do I have a motion for approving the meeting minutes from the last meeting? I move that the committee approves the minutes from the October 19th meeting. I'll second that.

[00:14:16] Any further questions, comments? All those in favor, raise your hand and say aye. Any abstentions? Any nay? Okay. So the motion passes 2-0-1 with Ms. Sheridan abstaining.

[00:14:33] Next item on the agenda is action items. We'll move to 4-0-1 policy 86-30, inspection and review of educational records, Mr. Ansmann. Excuse me, thank you.

[00:14:51] Tonight we bring back policy 8630 inspection and review of education records as action item. It is up for its five-year review. It was brought as an information item at the October 19th meeting. It was placed for public feedback and advisory board feedback from October 20th through November 3rd.

[00:15:10] And it is back here tonight for action. Again, the summary of the changes are in the first paragraph, adding direct references to state code. and clarifying some of the language. Again, in line 33, which is bullet number four, again, adding all of the viable options that are listed in state code, and then the next set of changes you'll see is really moving all procedures that were identified in the policy into regulation.

[00:15:43] - Thank you, Ms. Smith. Board members, any questions? Ms. Ogedegbe? - Thank you, Chair. I noticed that there was feedback from SEAC, and I wanted to know if staff had reviewed that and have any feedback on the recommendations for the suggestions they have?

[00:16:06] - Sure, so feedback recommendation one was to, with the exception of emails regarding any matter associated with a child as provided by the Virginia regulation as specified. And really, as it's currently phrased, we have tracked the relevant language based off of the Virginia Special Education regulation.

[00:16:26] It is not practical to include every email that references a child as part of the record. think about this as every attendance email that gets sent out, attendance is managed in the system and those records are put in, not every email that maybe sits what students are in and out every single day. So the recommendation leaves room for the interpretation that any matter associated with a child would be in the educational record. This could be millions and millions of files. We get 20 million emails a day throughout the system. So just thinking about the breadth. And then we have to keep those files for 18 years. So from kindergarten to five years past graduation.

[00:17:01] And then I will turn it over to Mr. Allen if he has anything to add. Thank you, Mr. Smith. I think you covered it, but happy to entertain any further questions. Thank you. And just to clarify, the language as it is in the policy right now is consistent with Virginia Code, correct?

[00:17:21] That is correct. Okay, thank you. I'll just chime in this. I think you talked about emails, and I think this is sort of a concern I believe was meeting with the SEAC folks in terms of emails, in terms of how we track it.

[00:17:38] I don't know. There are tons of emails when it comes to the child's IEP or 504 and interactions with the teachers, interaction with the dean and staff. And I'm not sure what we can do with the policy tonight. But I think one of the recommendations I would like to see is, again, how we are shifting towards more like a case management.

[00:18:01] So, again, because if you are interacting with parents, teachers, staff, all the communications be done through that case tool, versus email so if you want to send an email to the parent you go through that tool to do that so that and then if they're responding back then the response is coming back into the tool as well so that way we have the history that that's needed without having to rely on the email because what I've learned is again as you described that just so many emails that if you want to go back and pull everything it's it's a daunting task so I'm not sure how much we can do tonight in terms

[00:18:38] of that, but that'll be my recommendation is that we do look into a comprehensive system or tool to help manage that piece versus email. I mean, email works, but I think then you have a good

window into it. Any further questions or comments?

[00:18:57] Do we have a motion to send this to, I can make the motion. I move that this committee approve this policy 8630 and send it to the full board for, as an information item. Seconded by Ms. Ogedekpe, any further questions, comments?

[00:19:13] All those in favor, raise your hand, say aye, aye. The motion passes 3-0. We'll move to policy 402, item number 402, revised policy 8290, threat assessment for the protection of schools, Mr. Lodi.

[00:19:29] - Good evening. To recap the October meeting, staff proposed required changes in policy 8290 to bring us into compliance with new legislative requirements around threat assessment training.

[00:19:47] Also, we discussed SEAC recommendations, which were separate from the training requirements relating to supporting students who are students with disabilities. So today I'm prepared to address these separate concerns via regulation 8290, which has been uploaded into board docs for your reference.

[00:20:14] - So Mr. Lodiab, go ahead with the regulation update. - Yes, yes sir. So in reference to regulation 8290, page one, lines 29 through 31, the regulation addresses specific positions who are part of the threat assessment team.

[00:20:36] These individuals are trained in and have knowledge of special education, which was one of the concerns expressed by SEAC. Just to remind you, the policy language was a bit vague. That language comes right from the House Bill, and that didn't immediately occur to members of the SEAC that those positions would have knowledge of special ed.

[00:21:05] So I think it's better addressed in our regulation where we do lay out the actual job titles of these individuals. Moving to lines 35 through 42, we've simply reflected new requirements around training and LCPS's specific training model.

[00:21:24] That's pursuant to the changes that we brought forward with policy 8290. And then if you travel to page five, where I think most of our discussion landed last time, Lines 168 through 170 address SEAC's separate concerns regarding the need to address unique needs of special education students.

[00:21:55] So we included new language to direct threat assessment teams to engage staff who have specific knowledge of the child's unique individual needs and to explicitly consider this information in the context of a threat assessment.

[00:22:13] I believe their concern had a lot to do with whether or not somebody on the team had knowledge of special education and also bringing to bear information to be considered about specifically the child and their disability needs.

[00:22:31] So we've included that. While that has been part of our practice and our training in the past, we thought it was important to explicitly lay it out in our regulation. So it shows our intent to consider the needs of a special ed student in this situation.

[00:22:52] And that covers all of the amendments as it relates to the policy, but more specifically the regulation related to CX feedback. Thank you, Ms. Notting. I'll go with Ms. Sheridan first, and then Ms. Orkedeck.

[00:23:11] Thank you, Mr. Chair. So the section you just referenced with the new language, when a student with a disability is the subject of a threat assessment, the team shall interview staff who have knowledge of the student's unique individual needs. Are we talking about specific staff that have direct knowledge?

[00:23:28] Because I can see adding the word direct knowledge, the word direct in front of the word knowledge would maybe even further put parents at ease to know that it's not just someone who reviewed a behavior plan or reviewed an IEP, it is someone who actually interacts with that student.

[00:23:45] perhaps even, you know, the special education teacher. So I'm going to ask that we insert the word direct in front of knowledge. I have no concerns with that. Okay, thank you. Thank you, Chair.

[00:24:03] The second recommendation from SEAC relates to the content of the training and specifically suggests that the training would include information on functional behavior assessments, behavior intervention plans, Positive Behavior Intervention and Supports and Individual Education Plans and Section 504 Plans.

[00:24:25] So we don't get into that level of detail in the updates to the regulations, so I wanted to get feedback from you on why that wasn't incorporated and what the thoughts are about that. Well, the training itself is not directly related to threat assessment, but the individuals on the threat assessment team do have training in functional behavioral assessments and behavior intervention plans.

[00:24:56] They have required training in seclusion and restraint. They have required training in IEP, eligibility matters related to disability. So as part of the normal course of training for these individuals, these professionals, They have substantive special education training.

[00:25:19] Now I didn't address that explicitly in the regulation, but that is part of their job responsibility and with that comes training needed to support students with disabilities. Okay. And thank you for that clarification.

[00:25:35] So essentially, because those trainings are separate from the refresher threat assessment training it doesn't really apply to this regulation although it is covered in normal protocols yeah and just to kind of uh address that just a slightly different way there one of the reasons the school psychologist is assigned to the threat assessment team is a behavioral expert somebody with psychological knowledge science knowledge that can help with those issues that are part and parcel to threat assessment circumstances and also students with

[00:26:10] disabilities and the functional needs that they may have through special education programming so by intention we are including a multidisciplinary team that has training and aspects of special ed as well as broader child development Thank you.

[00:26:34] Thank you, Ms. Hillary. So I kind of go back. I mean, I think this line is there. I think we could direct it. But I think where I got hung up on the paragraph in the team was, again, I'm not saying that every time it needs to have it.

[00:26:51] I think where we discussed Ms. Richardson last time around, that a team member of the special education when the child is a special ed. So I still see that, and I'm not saying it is required, but it needs to be there if the child has it where it needs to be consulted.

[00:27:10] The team could also include, because I think we have, right now we talk about counseling, instruction, school administration, law enforcement, and we kind of talk about school security officer, school resource officer is employed, at least one school resource officer.

[00:27:26] And it also says, where applicable and legally permitted, relevant members of the outside agencies. And I know you probably need outside agencies to work with it. And so board members, I think we spoke at quite length last time about adding some language on.

[00:27:45] And I think Ms. Sheridan, to include something about from a special education team member where a child has an IEP or fire form. I'm not sure exactly what the language would be. So I still have a little bit of a thing that we should be adding them as a team member versus just leaving it open up here.

[00:28:04] So I don't know if you would like to speak to that perhaps, Ms. Richardson. Certainly. As we discussed, to include a special education teacher as a part of the team would be pulling a teacher directly from direct instruction for students. With the additional language added to the regulation in section D, that affords the threat assessment team to respond to the situation.

[00:28:29] They would certainly get the student's first and last name, be able to very quickly identify whether the student is eligible for special education or section 504. Immediately then contact the case manager, be able to provide sub coverage for that class or the direct instruction that the special educator is responsible for at the time of the threat assessment so that the case manager would be able to come and speak to the unique needs of that particular student.

[00:29:03] So a special education case manager will be able to speak to impact of disability. they'll be able to go over their IEP, present level of performance, goals, and accommodations, address any functional behavioral assessment information, as well as behavior intervention plan information.

[00:29:22] We discussed at last month's meeting that it is a time-intensive process. And so to take a teacher away from students in a situation where we're already short on teachers would possibly add an undue burden to our teaching staff.

[00:29:42] That is not to say that it's not a great idea, certainly, to have more people trained in the threat assessment process. But as I reflected on my notes prior to this meeting, we had significant concerns about time away from instruction for our special education teachers.

[00:30:04] Thank you, Ms. Richardson. And I want to be clear. - My ask was not a specific teacher, but somebody from the special education team, right? I think it could be the dean, it could be additional members. So it's not necessarily be just an instructor. And so I was being careful about my language.

[00:30:20] I just use special education team member, right? Not necessarily a teacher itself. And so I hear you, I think in the section D there is that, but I think, I don't know, I'm open for hearing from my fellow board members too, if they have any thoughts about that. Ms. Okadeke, I know you raise your hand.

[00:30:39] As I recall the conversation from last month, I do recall that we had landed at, there would be, as described within regulation, let me find that, hold on, that essentially there would be a consultation, and not necessarily in the threat assessment team, but that they would work in collaboration with them.

[00:31:16] That's what I recall from our discussion, but I'm open to thoughts on this. So, well, I guess where I'm coming from, the concern is that if there is a threat assessment issue in the school and if the child is a special education student, I want to make sure that, obviously, I know the staff are going to be

cognizant of that, but as a board, I mean, this is where we're trying to make sure that from a policy perspective, we have the right team in place that also has that understanding of the child.

[00:31:52] And I'm sure that administrators have it. But, you know, I think, and that's why I'm kind of open to it. I'm not saying that this has to. I'm looking for board members. And if it does pass without this, I'm going to bring that back up on the full board when we do look at the policy as well.

[00:32:08] So that's where I'm coming from. Because a threat assessment we do have where the child is special education, has a special needs child, and how do we respond to that if there's a threat. And so I want to make sure that there is, the child has the right support there in the threat assessment team and so on and so forth.

[00:32:28] Ms. Sheridan. Thank you. Just to clarify, if we take the special education student out of the picture and it's just a general education student who is not serviced by an IEP team and there's a threat assessment, is it general practice to also interview their teachers that they interact with on a daily basis to get, Plague is essentially outlined in section 4D, or D4.

[00:32:55] Yes. In the regulation. So is that part of the, that's part of the process anyway, right? That you would, the team, as described in the policy, would do, would interview any adults, perhaps, that would be, that would benefit assessing the student.

[00:33:12] Is that correct? That's correct, Ms. Sheridan. And a team would interview the subject, the witnesses, victim, and other persons with relevant knowledge about the student could, and oftentimes our teachers who are aware of the maybe ongoing conflict that was occurring or what happened in the classroom minutes before the threat was made in the hallway.

[00:33:39] And so that's a normal part of getting 360-degree picture of what's going on, because we want to understand the threat in its context, what is meant and what was happening at the time, so we can get to intent.

[00:33:56] I think our attempt to address Mr. Mejedevy's concern about consultation with special education staff was what we included on lines 168 through 170 to provide that assurance that we would specifically be seeking out staff who have knowledge of that child's unique individual needs but that would be true of our general education students as well my question is I'm wondering if there's a place to put it in the policy that actually says we also you know is there a place to add just that appropriate

[00:34:35] where we put we're applicable and legally permitted relevant members of outside agencies, is there room in that paragraph to include relevant staff in the building that interact with the student? And I'm just throwing some words out there, so if there's a better way to say that and what the actual practice is, because that would include any adult that interacts with a general education or it would cover both general and special education in the policy and perhaps put Mr. Mejadovi's concerns at rest.

[00:35:11] Thank you, Chair. As a follow-up to that, one suggestion might be if we could – yeah, I'll wait. One thought might be because those teachers aren't necessarily part of the threat assessment team, but it could be under one of the numbered items below where it says specifically each team shall, and then one of the bulleted items could be something like confer with the student's classroom teacher or other personnel who are you know aware of the student insert more appropriate language there but

[00:35:51] just have it as one of the sub bullets were you referring to the policy page one number three and the sub bullets there we should we could add an additional bullet no i was thinking as a numbered item so okay under number three a new number four for example could say and the you know the lead-in is each team shall and the new number four could have language specifically stating that they would confer with and I don't know what the

[00:36:26] protocols are so I'm assuming it's the classroom teacher and/or special education teacher as appropriate to ensure that the full context about the

[00:36:41] student is understood I think that's reasonable okay yeah Michelle okay so new

[00:37:22] item number four. Absolutely. So new item number four, each team shall confer with. Mrs. Ogadugby, you had mentioned general education teacher of record or special education case manager if applicable. Mrs. Sheridan, you said maybe make that language a little broader and we could say any relevant stakeholder. So we don't miss anyone. Sure. And we could give some parenthetical

[00:37:56] examples of what those points of contact might be is that so I like the word relevant stakeholder as a warning to be added I think then you can parentheses you can put some examples in there that will suffice fair enough oh any further questions comments on this policy oh I'll make the motion that that this committee approved they approved the policy 8290 with with the amendment with the amendment changes amended and send it to the full board as an information item.

[00:38:36] I'm not going to second that. Can I just intervene for a second? I would like to know what the actual language is before we send it to the board. I don't think we should send it as a committee to the board without adopting language. So are you prepared to make a statement there? Add the link.

[00:38:51] You're saying it's a new number four, but on my red copy there is a number four. So is this going to push four down to five? Yes, yes. So we would renumber, right? So we would renumber. Number four, each team shall confer with relevant stakeholders such as general education teacher of record, special education case manager if applicable, and parents, et cetera.

[00:39:15] Such as, but not limited to? Such as, but not limited to. Okay. Thank you. Absolutely. Mr. Allen, can I ask Mr. Allen, do you have any objection to that language?

[00:39:32] I do not. Thank you. So do you agree on the language? Okay. Did I have a second for that, Paul? Like a motion? Okay, second. Second. Any further questions, comments? No.

[00:39:47] All those in favor, raise your hand and say aye. Aye. The motion will pass 3-0 with the board members present. We'll go to the next item, information items. Given the time, I'd like to move 502, and since 501 is coming up as an information item, I think we can push it back to perhaps the next committee meeting or to the next board itself.

[00:40:15] So since we brought up the item number, the review of model policies on ensuring privacy, dignity, and respect for all students and parents in policy 8040, let's go through that. Certainly. Thank you. I'd like to take this time to remind the committee of the policy review process that was outlined at our October meeting for the review of the 2023 model policies.

[00:40:40] As you can see on the slide, have broken the policy review process into more manageable sections to afford the committee the opportunity to reflect on the 2021 model policies, our current policy 8040, and the new 2023 model policies. This evening, we will briefly revisit the current policy language in

our LCPS policy 8040 on student identification and the 2023 model policy language on student identification.

[00:41:17] The committee requested the ability to return to this section with the opportunity to process the legal implications of the section following the slides. The following slides are taken directly from LCPS policy 8040 as well as the 2023 model policy.

[00:41:38] Additionally, we are also going to be covering sections B and C, which are section B of policy 8040 is access to activities, and then section C of policy 8040 is access to facilities.

[00:41:58] We will be reviewing all three sections this evening, and then we will be having legal considerations. Here's a snapshot of our current language in policy 8040 for student identification, names and pronouns.

[00:42:16] LCPS staff shall allow gender expansive or transgender students to use their chosen name and gender pronouns that reflect their consistently asserted gender identity without any substantiating evidence, regardless of the name and gender recorded in the student's permanent educational record.

[00:42:36] School staff shall, at the request of a student or parent-slash-legal guardian, when using a name or pronoun to address the student, use the name and pronoun that correspond to their consistently asserted gender identity. The use of the gender-neutral pronouns are appropriate.

[00:42:56] Inadvertent slips in the use of names or pronouns may occur. However, staff or students who intentionally and persistently refuse to respect a student's gender identity by using the wrong name and gender pronoun are in violation of this policy.

[00:43:16] Here is the proposed language, the current language from model policies from 2023 on student identification. You will see it's broken down into several more sections than what our current policy is. Part one, every effort should be made to ensure that a transgender student wishing to change his or her means of address is treated with respect, compassion, and dignity in the classroom and school environment.

[00:43:47] Number two, school division personnel shall refer to each student using only the name that appears in the student's official record or if the student prefers using any nickname commonly associated with the name that appears in the student's official record.

[00:44:11] Nothing in this policy shall prevent a school division personnel from using a different name for a student when it is necessary for the student's academic instruction, such as using a name more common in a foreign country while in a foreign language course.

[00:44:29] Item 3, personnel shall refer to each student using only the pronouns appropriate to the sex appearing in the student's official record. That is male pronouns for a student whose sex is male and female pronouns for a student whose sex is female.

[00:44:52] Item four, notwithstanding the provisions of paragraphs two and three of this section, school division personnel shall refer to a student by a name other than one in the student's official record or by pronouns other than those appropriate to the sex appearing in a student's official record.

[00:45:13] Only if an eligible student or a student's parent has instructed the school division in writing that such other name or other pronouns be used. Number five, any written instruction from a parent or

eligible student under paragraph four of this section shall be memorialized in the student's official record and subject to the same retention, disclosure, and confidentiality requirements as the official record itself.

[00:45:51] The legal name and sex of the student shall not be changed even upon the written instruction of a parent or eligible student except as specified in section C2. Item 6, notwithstanding the provisions of paragraph 4 of this section, school division shall not compel school division personnel or other students to address or refer to students in any manner that would violate their constitutionally protected rights.

[00:46:27] Number seven, no policy, guidance, training, or other written material issued by the school division may encourage or instruct teachers to conceal material information about a student from the student's parent, including information related to gender, provided, however, that school division will comply with all laws that prohibit disclosure of information to parents

[00:46:59] including but not limited to code of virginia 22.1-272.1b prohibiting parental contact where student is in imminent risk of suicide related to parental abuse or neglect we'll now move on to section b of our current lcps policy 8040 which is access to activities lcps policy 8350 student

[00:47:33] activities states that interscholastic co-curricular and extracurricular activities are a part of the educational program and are subject to school supervision and regulation all students are expected to display good sportsmanship in competitive activities whether they are participants or spectators and they shall conduct themselves in a manner demonstrating respect for persons and

[00:48:04] property. LCPS staff shall allow gender expansive and transgender students to participate in such activities in a manner consistent with the student's gender identity. All students, including transgender and gender expansive students, participating in programs sponsored by the Virginia High School League or other interscholastic organization shall comply with policies and rules outlined by those organizations.

[00:48:43] Ms. Sheridan, if I may interject, given the time that we have left, I know we could read it, but I guess it's taking a little bit more time and I think where we're sitting, we could get a chance to read through it quickly, but what's the next, I mean, something.

[00:49:04] The next slide is legal considerations. It's an opportunity for you all to consider our current policy, 80-40, and what the 2020 23 model policies have directed for us to consider so it could be jump to that if that's if you can certainly So make sure that you're keeping in mind section a student identification section B access to activities and this is section C Access to facilities so you can read this you get there. All right

[00:49:44] So here's what model policies say as far as activities and facilities item one simply states should be determined by sex rather than gender or gender identity.

[00:50:06] We must provide appropriate and reasonable modifications. Ready for the next slide?

[00:50:40] And the final section of model policies is athletics.

[00:51:01] Access to legal considerations. So this is your time to ask questions and think out loud. That's why Mr. Allen is here as you reflect back on student identification, access to activities and facilities for all of our students.

[00:51:23] So this is a question for board for us the committee okay board members any questions we saw good I mean I would like to understand the applicable laws and how they interact with these different

sections of the policies I don't have I thought that there would be a That we would be getting a presentation so I don't have specific questions, but I think it's important to understand

[00:52:00] Thank you miss so good egg bay Generally, to level set, I'm here to provide legal considerations for the committee to consider, to inform its recommendations to the school board's current school board policy 8040.

[00:52:19] To the extent you have operational questions, we have Ms. Richardson here who can address those. I know this landscape has been provided before, but I wanted to, again, level set. So the 2023 model policies are guidance documents.

[00:52:36] They're effective pursuant to that document, which the BDOE issued as of July. As you're aware, other school boards have determined not to change their policies. That's not the position that this school board took. This school board wanted to carefully review the policies in connection with the current policy 8040 to determine whether changes needed to be made in response to the model policies in accordance with the process it followed to adopt 8040 and other policies.

[00:53:04] Generally, the model policy should be read and interpreted in coordination with the most recent case law and federal guidance. As you've seen, the model policies include several caveats such as, quote, where state or federal law requires, or, quote, to the extent required by law, or, quote, to the extent that federal law otherwise requires.

[00:53:26] The Attorney General's opinion also acknowledges those caveats. And while it provides guidance for the board to consider, the attorney's general opinion is an advisory opinion and not necessarily binding law. The model policies are all about respect, dignity, and privacy of all students.

[00:53:45] As a general premise, it causes concern, at least from a legal standpoint, to generally treat students of certain attributes different from students who are otherwise similarly situated with other attributes. That is relevant here to require a student with one gender identity to comply with a different set of standards and requirements while not requiring that of a student with another gender identity, it's legally concerning.

[00:54:11] And what is clear that under applicable federal and state law, schools cannot treat students differently based on their gender identity. Specifically, federal case law out of our circuit court of appeals in the Grimm case, it's cited in the model policies and the AG's opinion That case held that a school's refusal to allow a transgender student to use the school bathroom that corresponds with the student's gender identity violated, number one, the U.S. Constitution's Equal Protection Clause, the 14th Amendment, and it discriminated based on sex in violation of Title IX.

[00:54:46] Under state law, gender identity is a protected class under the Virginia Human Rights Act, and that's Virginia Code 2.2-3900. The Virginia Human Rights Act safeguards all individuals within the Commonwealth from unlawful discrimination because of various attributes to include gender identity.

[00:55:07] And let me be clear, that premise and landscape of the law, so we're looking at federal case law, the Gavin Grimm case, that applies to the Fourth Circuit, which we're in. the Virginia Human Rights Act, and then within the Grimm case, it came down and said that's violative to treat one student with a gender identity different from a student with another gender identity.

[00:55:32] That's violative of the Equal Protection Clause as well as Title IX. That premise is separate and apart to the extent to which parents should be aware or be involved. And so those model policies say that, excuse me, that they specifically say that you shouldn't conceal any information to parents about their individual students in this respect, unless as the model policies indicate, and we've seen from the slides, the student is at imminent risk of suicide related to parental abuse or neglect.

[00:56:14] Policies should encourage parent involvement relating to matters concerning those matters that would reasonably be expected to be important to a parent. And so those are kind of the legalities that we're looking in the landscape when we're looking at 80-40 and the model policies.

[00:56:32] Thank you. So I think the little bit of, I guess, I don't want to call it disconnect, but I think normally if there's a change in the model policy, VDOE, you know, typically we've seen if there is any Virginia code that gets updated, the staff sort of brings and updates to this thing.

[00:56:51] I know this is a different policy where the staff than expecting us to come with a version of the updates to the model, I mean, to the 8040 to review, because that's a little bit of a, I know it's, but what is that?

[00:57:09] Because I think that's where we're trying, I mean, Ms. Okedek, they sort of spoke about from a legality perspective, looking at what you were sharing from what we have from 8040 policy to the new model policy. And we did see that. I mean, there are those, I don't know, the right-hand caveats in there too, where it says you don't have to provide information unless it's, I mean, obviously, in case of imminent threat or suicide, you have to notify parents for that.

[00:57:39] I mean, that exists not only for transgender issues, it also in other regards too. So maybe, I don't know, I'll let the other board members speak, but I think sort of the hope was that there would be some sort of comparative or some sort of version this thing for us to look at so we could dial this thing in there so I don't know miss Sheridan so I have a couple of clarifying questions if you would do we have to there's probably a range of choices we can make here where we actually rescind 80/40 and just adopt video East policy right there's a range

[00:58:19] in there so we don't necessarily have to rescind 80/40 but perhaps make some amendments to it to be in line with the model policy is that fair and correct in interpretation that that's correct and some items and the model policies may be addressed in school board policy elsewhere not specifically in 8040 as well okay and can you just clarify something for me the when we talk about an executive order versus code an executive order and this particular

[00:58:56] executive order to was for vdoe to develop the model policy or did it also include that school boards adopt it can you just clarify what what we're required to do yes so it's actually a code not an executive order okay understanding it's thank you just clarify what we're talking about and virginia 22.1 23.3 it provides that um the schools should essentially adopt policies that are consistent with model policies that are put out by the virginia department of education okay

[00:59:36] and so um was there a I just want to make sure because I believe there was discussion about this about the time frame of doing this and I believe 80-40 was adopted because it was required to be in place before the start of that school year is there my understanding is there is not a time frame for adoption for this one and so the committee is within it's um we're not violating anything by having a full

discussion of this there's no time frame for adoption of the model policy thank you ms shannon that's a good question what what is um stated and the model policies is that

[01:00:15] they are effective as of July 19 2023 so one interpretation is that they they are effective in school boards were expected to bring their policies look at their policies and bring them into compliance um okay is what is the um ramification of of not having done it in July of 2023 yeah because my understanding the reason I ask that is not just because we haven't done it yet but because there were many school boards across the division that did not adopt the one that led

[01:00:48] us to 80 40. so I'm curious what is the ramification and the liability to the division um fair question the model policies themselves do not include an express enforcement mechanism uh they're silent as to what penalties a school division may suffer for non-compliance and Virginia code section 22.1-23.3 is also silent as to an enforcement mechanism so that is why any school division that did not adopt the the previous model policy did not suffer any

[01:01:20] repercussion. Is that correct? I can't speculate as to why, but that seems logical to me. Thank you. I appreciate the clarifications. Can you also speak to, sorry, when we talk about VHSL, is it correct that VHSL has not adopted the policy or what would affect them? That is my understanding that earlier this year, VHSL issued a statement confirming that they would continue to use the transgender policy which is 28a-8-1 that it adopted but in 2014 without change so how would

[01:01:56] that affect students in Loudoun County or any any county or any division that are participating but are not following the VHSL rules like did we have run into any issues with VHSL I'll defer to Miss Richardson on that question thank you yes I am not aware of any school divisions that have encountered that issue. So as it would stand now for school divisions that adopted the model policies as they are written for 2023, and if students are participating in sports that are

[01:02:29] sanctioned by the VHSL, then those students would be subject to what the guidelines and policies of the Virginia High School League are. So not their school division, but the Virginia High School League. Correct. So that seems tricky. Yes. For lack of a better word that seems I mean really tricky if a school division is not allowing but VHSL is. Correct. Okay. I just want to make sure I have all the. Absolutely. Things in my head correctly. Okay. Where state or federal law is

[01:03:06] taken into account. I'm sorry I have more. Is that all right? Okay. Where state or federal. I didn't ask for permission my apologies where you refer to gender identity being a protected class under the Virginia Human Rights Act how is that it appears that the model policy is indirect they're not in sync so how do we how do we fix that how do we deal with that yeah so I guess from a legal lens because the model

[01:03:45] policies do provide for the caveats that I mentioned related to as permitted by law or to the extent permitted by law or not prohibited by law? I believe that that's kind of how you reconcile the two. It doesn't really feel reconciled to me. I realize that maybe that was the intention out of VDOE, but it does not feel reconciled to me the way the language is written in the model policy and then the Grimm case is at the same that because that's a caveat that's my understanding and it does refer to to

[01:04:24] Grimm in several instances okay so there and I have one last question my apologies we there's reference to male and female there is no reference to non-binary so I'm curious how would we address students who identify as my non-binary how would that it seems like they're excluded from the whole

thing so I just wanted to. The model policies did not contemplate non-binary. So that's why there is no reference to them in the current model policy language. We're just not acknowledging that? I don't mean us. The model policies have not acknowledged. The model policy is not acknowledging

[01:04:59] non-binary students. Correct. Those are all my questions for right now. So staying on the topic, I think the item of Title IX comes up. I think where they do talk about, does Title IX cover between the different genders at all in terms of what Title IX offers?

[01:05:19] Because I think in the model policy, the new model policy talks about any applicable federal law. I think that's what you're referring to, Mr. Allen. So I don't know if you can go back to that reference there on the slide, but where it talks about federal law, this is...

[01:05:36] Item four references federal law and cites the Grimm case. So does item three. Given, so Mr. Richardson, the second slides you were showing, those are the excerpts coming up from, obviously from the new governor's model policy, that's what's coming up.

[01:06:02] And so with, I guess going back to Ms. Sheridan and the same question I was asking, like, you know, I guess not the word for reconcile it, but the versions of how, like, if you go back to our 80-40 policy, if you don't mind, just the first page you went to, section A. So for example, I think looking at, okay, so there's a second paragraph here where it's probably covered under our disciplinary other policies I mean those are the ones that you can make adjustments to from going from 8040 so it's it covers items

[01:06:40] that needs to cover but the same time the the the things from disciplinary or other sort of those are covered in our other other policies for the matter correct like a lot of things in 8040 as well as aspects of the model policies would be covered in our non-discrimination policy for example okay so is it fair i mean given i guess ms sheridan has to go for the next yeah yeah no so um in in the case of i guess for the next meeting would it be fair to ask to come with a version so we can have that discussion in the

[01:07:17] committee to work through that to see what our current policy is and based on certain things we could perhaps discuss so that there is that adjustments we need to make to comply with the the governor's model policy too, because I think it does cover some nuances.

[01:07:34] For example, parental rights not only says that, you know, again, parents need to be notified, but I think it goes back to where it says, I think if you go back to that slide again, Ms. Richardson, to where the governor policy mentions, no, I think the next one, where it talks about the parents, doesn't need to be notified in the case of serious threat.

[01:08:02] I'm looking for the, there's a line in the bottom. - Item seven. Item 7, yes, so by the Virginia. So there is some options available for having the parents' notification, but also it gives the school administration, this is, again, regardless of transgender policy or not, where schools can reach out to different groups outside of the parents in terms of the context of if there is an imminent risk of suicide, etc., of that.

[01:08:35] So that does provide that. So I guess where it was good to hear from a legal perspective, but I think for the next meeting can be asked that we can get a policy structured so we can go through that. I think that'll be really helpful instead of just, I mean, right now there's two sessions where we had, we would, I think where we scheduled to have a discussion on the sections as we planned in our schedule, but I'd like to have a draft copy so where we can review that between what the change is based on how you see it, based on the model policy, things that we have covered in different policies

[01:09:14] where we can remove the lines from here, from the policy 8040 to that could be also helpful. And then we can have a discussion on that in the committee in the next meeting. - Okay, so for the December 21st meeting, it's the will of the committee that staff make revisions To the current policy 8040 with a blending of the 2023 model policies, there are two outstanding sections of policy 8040 that we have not addressed, which is professional development and training.

[01:09:48] As you will note, the model policies do not require that. Yep. And then other considerations which sort of guide staff to write regulations. The model policies do not contemplate regulations being drafted to support the policy.

[01:10:08] So I just wanted you to have that for your awareness. Sure, and I appreciate that. Because I think, for example, number five, we already have in the policy already in place to the creation of single-use bathroom, which the governor is directing to. So I think those are the adjustments. If we can come back, I think, to—I'm not saying that you need to make a change to it, but I think if you bring it back in a draft board, I think the committee can kind of go through and say, okay, for example, if there's a training which we're already covering training in our regular training in terms of making sure that we covered training for all students, and so we don't need to specify here because it'll be covered in our other training policy itself, and that's sort of the process we can go through to make sure that this policy is,

[01:10:48] it covers what it needs to cover, but then other policies obviously are going to cover in terms of what they need to cover as well. Okay, and a clarifying question, the direction that you would want these revisions to go would be for all students. Correct, that's right.

[01:11:04] That's exactly the whole idea. We want to make sure that the policy is, I mean, not only this, but overall, I mean, we are here for all students, and that's how we focus on making adjustments to this policy as well. Okay, we'll get to work. All right, with that, I'll jump to the next item.

[01:11:23] Any new business? No? With no new business, we can adjourn the meeting. Thank you very much.

[01:11:34] It's



Coraggio Consulting · aguyonx.com