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Loudoun County School Board, Legislative, Audit and Policy Committee Meeting, Thursday, January 25, 2024

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Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 39m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/906575375?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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[00:00:01] Good afternoon. This is April Chandler calling to order the Legislative Audit and Policy Committee meeting for January 25th, 2024. I have been notified that Ann Donahue would like to remotely participate in today's meeting. Ms. Donahue, please state your location and whether this is a medical or personal matter.

[00:00:27] Thank you, Madam Chair. I am in my home in the Leesburg area. The only person in my home with me is my 10-year-old who is not in the room with me. he has been sick and I am requesting remote participation for medical reasons because I am home today with my sick child. Thank you. Therefore, I will entertain a motion that Ms. Donahue's request to participate remotely be granted. I move that her permission be granted

[00:00:58] for medical reasons. Ms. Chernoff, seconded by, I will offer a second. So there, welcome to the meeting Ms. Donahue thank you all right we will begin yes I'm sorry I think you might need to take a vote on that I had a motion in a second I don't know if we got sorry pardon me in that case let's take a vote all those in favor of Ms.

[00:01:26] Donahue participating on a medical exemption please say aye aye and raise your hand right now therefore the motion passes to again welcome to the meeting is Donahue and thank you to everyone for your patience as we get up to speed on all of these procedures we will begin now with public comment

sign up to make in-person public comments occurred prior to the start of the committee meeting the meeting will be audio recorded and posted in board docs today we have three speakers signed up for public comment we will allow three minutes our first

[00:02:03] speaker is Sandy Sullivan afternoon I'm Sandy Sullivan an elementary school teacher who currently serves the members of the Loudon Education Association as their president. LEA has had a long partnership of collaboration with LCPS and the school board members. At times our ability to collaborate has been blocked and constrained but not due to our own effort or lack of effort. With that said we look forward to working with you individually and as a committee as we collaborate to create a meaningful collective bargaining resolution that will pave the way for educators to come together with LCPS to provide the best

[00:02:42] for our students and educators 6,000 LCPS employees not just LEA members were clear about their desire for LEA to be their bargaining agent 6,000 I realize that your work surrounding a collective bargaining resolution is really just beginning but please remember that LCPS educators and union members have been working hard to gain collective bargaining for more than two years in order for a meaningful collective bargaining resolution to be created we must have the right people in the room to that end our union must have the support and advice of counsel. Virginia Education Association Council knows what has worked best and what has not worked best regarding collective

[00:03:21] bargaining resolutions and the process of bargaining contracts in the Commonwealth. They have expertise in collective bargaining. Who on this committee and in this room can say that? Expertise? I cannot. Neither can our local union leaders and staff. In order to make this process as efficient and productive as possible, having experts in the room will benefit all employees through this process it would ensure that all of us have the information we need and the questions are answered in real time as we proceed through our committee work while we understand and expect the school board to receive support and guidance from your council we urge you to end the contract with isler dare that law firm has worked to undermine the

[00:04:00] rights of school employees it is thrown roadblocks through the creation of collective bargaining resolutions and bargaining contracts throughout Virginia and right here in Loudoun is Lerdaire has been involved in this process in laudan since april of 2022 at least we look forward to working with you getting the joint committee running rolling up our sleeves and developing a collective bargaining resolution to lay the foundation for meaningful purposeful conversations and decision making that will benefit benefit lcps students educators and our community thank you the next speaker is kathy lee

[00:04:39] she'll be followed by jennifer twight good afternoon vea believes a partnership between the board administrators and employees through collective bargaining will improve student services by attracting and retaining qualified employees we have unique experience in school law because we represent members all over the state before various forums from school boards to department of social services courts and virginia employment commission the board of education the

[00:05:15] list goes on vea participated in drafting collective bargaining resolutions in richmond fairfax false church prince william charlottesville and montgomery just to name a few we supported changes in arlington and we have several contracts that are adopted and being negotiated and implemented right now your employees want collective bargaining on february 28 2023 i worked with the former council bob falcone to verify authorization cards signed by thousands of

[00:05:53] teachers lcps teachers we had thousands more but we stopped when we reached 50 plus one they won lea and vea to represent them in collective bargaining the resolution phase is completely different from the contracts.

[00:06:09] We do not see a role for attorneys in contract negotiations. But our locals cannot move forward with elections for exclusive reps in divisions where the resolutions are not fair and workable.

[00:06:26] LEA will spend substantial time and resources to make collective bargaining work here. They need to verify employees in the bargaining unit, survey the people in the bargaining unit to figure out what issues should be negotiated.

[00:06:46] They need a campaign, go through an election. It's a very expensive and time-consuming process for the union, as I'm sure you understand. The six items in LEA's December 7th letter are examples, but not the only issues that must be fixed in the resolution.

[00:07:06] The timeline will not work. There are clauses that require LEA to represent non-members in grievances that is unconstitutional since the Janus decision, as well as prohibited by 40.1, several sections in the Virginia Code, Title 40.1.

[00:07:28] LEA has waited a year since the verification process. We are eager and happy to work with LCPS council and board members to get this done on a quick time frame. And our goals are shared.

[00:07:48] We are simply wanting a resolution that is cost effective for all parties, fair and easy to use, and complies with all applicable laws. we know you are the ultimate decision makers on what's in the resolution similarly LEA alone will decide if it moves forward or not we want to be a partner in this process and share our expertise at no cost to loud in schools

[00:08:16] thank you for your time thank you our next speaker is Jennifer Teut thank you my name is Jennifer Teut I'm a director with the Virginia Education Association I've served in my role since 2011. Loudon is the eighth division I've supported and I've been here since 2021. I share this to say that I not only have experience in my role, but also how things work outside of Loudon. From my lens, as an outsider who has worked with divisions for over

[00:08:52] a decade, I believe LCS is broken and in dire need of systemic change. Unfortunately, the trajectory I've witnessed since 2021 is only negative and in my opinion things are getting worse. To me, LCPS is unhealthy and does not foster a safe working environment for their workers. I received a text on my way here today from a member who would rather take unpaid leave than return to her toxic work site. It does not need to be this way. In a healthy school division where employees are valued, the union is a check and balance. In my experience, other divisions encouraged me

[00:09:30] and the members i supported to be present and visible in schools we were the pulse check we knew what was going on in buildings and could make things better we worked in conjunction not only to address issues but to highlight all of the great things that happen in schools and work sites prior to loudon my members were never denied the right to have representation and have me in a meeting with them. That is standard in Loudoun. Denying silent witness is a regular

[00:10:04] occurrence. Employees deserve better. My former office supported six counties in two VSBA regions and we regularly held meetings in my office with all of the HR directors from those counties. We worked together to develop ways to retain employees and support and train new educators. We worked

together as a team with those counties they didn't need a MOU to work with us the fact that we are shut out and loud and and blocked from meeting with people and employees tells me that there is a concerted attempt by central office to silence employees it's

[00:10:43] done under the guise of limiting disruptions but all it does is further poor morale and the belief and this has been said to me by my members that the beatings will continue until morale improves I have never worked with a the division, where so many employees are ready to walk away as they are in Loudoun.

[00:11:03] It does not have to be this way. Loudoun is broken, but it can be fixed. There is hope. There are great people here. There are great employees. There are wonderful children and families who deserve better.

[00:11:20] Let us truly come together and work for the benefit of all those stakeholders. committee can bring us together in good faith and start the work to fix LCPS. Please develop a joint committee for the good of all. Thank you. We are going to move to item number three, approval of the November 9th, 2023 and November 27th, 2023 draft minutes. Could I please have a motion to approve the November 9th and

[00:11:51] November 27th, 2023 meeting minutes? Excuse me, Chair Chandler. Yes, Ms. Donohue. Thank you. Is it correct that the minutes have already been verified by the members of the outgoing board who were in the committee and present at those meetings when they occurred in the fall, which none of us were?

[00:12:19] Yes, I believe that to be true, but I'm going to ask Dr. Smith to clarify. yes ma'am so we do miss Rieser our chair of the L&P committee for last year I did review the minutes and did verify with signature and saying that the minutes were accurate for those two November meetings thank you I will make a motion to approve the minutes from the January no November it's November 9th and

[00:12:57] November 27th. From the November 9th and November 27th meetings. Second. Thank you. The motion was made by Ms. Chernoff and seconded by Ms. Donahue. All those in favor, please raise your hand and say aye. Aye. All those opposed, please raise your hand and say nay. The motion passes unanimously with all committee members present. We will now move on to item 4.1, our information item to establish a joint committee on collective bargaining. Dr. Smith will be presenting.

[00:13:31] the floor is yours chair chandler board members today i'd like to share information regarding item number 4.01 establish joint committee on collective bargaining as a little bit of a background the previous school board adopted a resolution of the loudon county school board considering whether to establish collective bargaining between the school board and certain school board employees at his march 28 2023 meeting which directed the legislative and policy committee to draft a collective bargaining resolution which the school board shall vote for to adopt or reject by december 31st 2023 at the december 12th 2023 school board meeting

[00:14:09] the school board voted to amend the board's march 28 2023 resolution to remove the self-imposed deadline of december 31st 2023 indefinitely for making a determination to adopt or reject a collective bargaining resolution and to refer the proposed lcps collective bargaining resolution to the lnp committee with the recommendation that it establish a joint committee to consider the eight items lea raised in its december 7th 2023 communication to the board wherein such joint committee would be

comprised of two designated board members representatives from lcps's hrtd and department of business and financial services

[00:14:48] and representatives from lea we recommend today that you have a discussion regarding whether the committee would like to follow the school board's december 12 2023 recommendation to establish the joint committee if it does whether the committee would like to follow the school board's december 12 2023 recommendation regarding the scope and purpose of that joint committee and whether the committee would like to follow the school board's december 12 2023 recommendation as to the composition of such committee thank you thank you dr smith as such i move that we suspend the rules

[00:15:25] and take this item up as an action item all those in favor please say aye and raise your hand aye aye all those opposed seeing none oh i should say any abstentions but we have three the vote to suspend the rules to take up this item as an action item passes three and to zero at this time i move that the lamp committee adopt the school board's december 12 2023 recommendation for the lmp now la and p committee to establish a joint committee to consider the eight items lea

[00:16:02] raised in its december 7th 2023 communication to the board wherein such joint committee would be composed of designated board members representatives from lcps's hrtd and depart and department of business and financial services and representatives from lea any discussion miss donohue thank you madam chandler uh madam chair chandler uh yes i have uh i two i have two points that i would like

[00:16:39] to raise for consideration um first being the limitation of scope while i think that it is necessary to address all of the points raised by lea i would submit that um it would be preferable to allow the committee to have a broader scope and review other parts of the draft resolution since it has not yet been finalized and as to my second point um i would also suggest respectfully

[00:17:13] that um we ensure that we include a representative uh to represent on the committee the perspective of educators and LCPS staff who are not members of LEA, in addition to those who represent the views of the LEA membership, and also that we have someone who is able to represent the views of classes of employees that would not fall into the class that has been certified for collective

[00:17:50] bargaining, by which I mean, currently, we're only just my understanding is that we are currently only have certified licensed teachers as a group that would be able to participate in collective bargaining. But this resolution could apply to other groups of LCPS employees in the future.

[00:18:11] And for that reason, I would suggest that we consider ensuring that we have representation on the committee to represent the interests of employees who fall within other categories at LCPS. Thank you. Thank you. Ms. Chernoff? Can staff give clarification on who those other groups might be? Thank you, Ms. Chernoff. I don't think it's been determined at this point, but the

[00:18:47] resolution does provide for other employees to participate in a collective bargaining unit. But other than licensed teachers it's my understanding that that's the only collective bargaining unit that's been identified at this time okay um I will agree with miss Donahue about the different the limitation of scope and I think that we do need to have various different representatives from school based staff in terms of teachers that are members of LEA and not to bring about different perspectives and so we can learn from one another as I believe

[00:19:22] that's what this joint committee's purpose is as well as admin and I would also recommend that different levels of the schools be represented elementary middle and high as each one presents its own unique challenges and different issues that are faced within each building and at each different level I am a little bit because I'm very much in favor of the option of having the joint committee I think it's very important that we go forward in this

[00:20:00] action and collective bargaining in a collaborative environment where we're listening to and hearing each other and working together and I think one of the ways that we can ensure that is by creating an entity that allows us the space to have a safe conversation I don't disagree necessarily with expanding the committee but I do have some concerns about how we could get bogged down in the committee and have it prolong the time in which we get to actual collective bargaining and I think that's something to keep in mind when we

[00:20:39] started to think through some of these options it seemed that it might be advisable to try to maybe even make the committee mirror the school board in a sense and have fewer members but to offer the administration and LEA the right to ask or to designate who the member some of the members will be and to and to have representation in that way I we may need to discuss it further but I definitely think we should try to stay focused and make sure that we don't get

[00:21:19] lost in this process sure enough is there a way to be strategic within the to the teacher staff and the admin staff as well as board members in terms of experience across different educational entities that we could keep it tight because I understand what you're saying we see that with committees you know in terms of quorum and just buy-in and intimacy of real productive conversation that that can be a real challenge and I agree with April miss Chandler sorry oh

[00:21:54] Oh, man. I agree with Ms. Chandler and with LEA that this is essential. This committee is essential to us having some dialogue and being able to kind of break down some of this that is so formal. And so I want to see it through, but I'm wondering if we're at that point where we can decide how many are on it or if that needs to be part of the action.

[00:22:19] I think it's great for us to have that conversation here in terms of thinking through the process. also trying to make sure that we stay on time yeah and I'm afraid that if we get into a position where we require another vote or prolong the process it could be months before the committee actually gets to work so and I also believe since we are a completely new board that there's some fealty in in trying to stay close to what the previous board passed in terms of the resolution which is why

[00:22:57] I think it would be advisable to have a representative of HRTD and business and finance and to have two members of the school board because those are specifically called out as well as representatives from the LEA I do also think that it's important for us to consider the perspectives of other staff members and other interests in LCPS and to that extent I would hope that we would look at having a principal and perhaps a teacher I don't know that that

[00:23:33] speaks to the questions raised by my distinguished colleagues on the committee in terms of making sure that we hit every school level but it's something to consider and any other comments that was delightful I think captures it in terms of the rep from LEA are we thinking that that would be someone from more of their board or and their leadership or are we thinking a

[00:24:13] rep from LEA member of teacher because I know we did talk about teachers being maybe one a member and one a non-member just to bring perspective so can you clarify that for me miss Chandler I'd be happy to the way I've been thinking about the composition of the committee is making sure that we have our two school board members with one designated to serve as chair to one representative from human resources and talent development one representative from business and finance to lea board members one lea rep association

[00:24:51] representative who is a licensed teacher and an LCPS employee one principal and one licensed school representative in that capacity I'd also like to mention I do hope that we will focus on being considerate and collaborative as we work to resolve the items that are outlined in the eight item memo and while the score school board's recommendation provides for the scope and purpose of the joint committee it does not provide clarity on a specific composition of the

[00:25:26] joint committee so that's certainly open for discussion additionally I would like to consider working with an independent third-party facilitator much in the same way that other divisions have and although we have not necessarily found the right person yet I would like it to be someone who doesn't add to the local taxpayer burden so we would be looking for someone similar to facilitators who

[00:25:56] worked with other nearby school divisions that can be paid for by federal tax dollars i feel confident with the proposed makeup of the joint committee that miss chandler has presented miss donahue do you have any comments um yes i am also satisfied with the proposed um structure uh

[00:26:28] and would simply encourage when lea and the superintendent are considering who they're going to appoint to the or who they're going to propose to be members of this committee to keep in mind our desire to see to ensure representation of views of diverse groups of employees thank you miss donahue in this discussion has this impacted your perspective on the scope of the committee or would you like to propose any changes in that capacity

[00:27:07] thank you ms chandler i i i don't know if it has to be decided right now definitively the scope of the committee um is not entirely clear to me but um my preference would still be that the that the scope is not limited to only those eight items raised previously by the lea thank you mr allen could you offer some clarification on um whether or not the scope of the committee needs to be determined today I see nothing that requires the LA and P committee to to

[00:27:46] make a determination on that it would provide clarity for once the joint committee does get established and solidified what their purpose and scope is but if it's the pleasure of the committee at this time to defer that until a future meeting then that's acceptable thank you at this point do we we need to make a motion to confirm so could we have a motion that would allow

[00:28:22] for us to approve the proposed joint committee and give us the opportunity to specifically ask let's see maybe I'll backtrack and just say in accordance with what Miss Donahue said and with miss Chernoff we'll ask that the administration through dr aaron spence and the loud and education association through sandy sullivan submit their recommendations and appointments to the committee by february 15th 2024 one week before the next lmp meeting so that the makeup of the joint committee can be presented and finalized at

[00:29:02] the next lamp committee meeting that would be something that we would hope for if we do have strong interest in moving forward um and based on the discussion do we have an amended motion

that addresses all of these items i so move thank you miss donahue i may have a second i second miss chandler can i just for point of clarity i think i heard you right so you mentioned two school board members um you mentioned uh representative from human resources and talent

[00:29:41] development you mentioned representative from business and finance you mentioned two lea board members lea representative who's a licensed teacher and lcps employee one principal and licensed school representative can you just provide us a little clarity on who is appointing you reference dr spence and you represent sandy sullivan with lea who's appointing which folks and i think you said february 15th okay if my committee members are in agreement the recommendation would be that two designated school board members um will be appointed to the committee and that is something

[00:30:16] that the committee will work on before the next la mp um the committee in accordance with the school board will take advice um and also probably take into account who has the capacity to serve in this position um an lcps hrtd representative to be appointed by dr spence an lcps business and finance representative to be appointed by dr spence a principal to be appointed by dr spence a licensed school board representative i'm sorry a licensed school representative to be

[00:30:50] appointed by dr spence two lea board members to be appointed by lea president sandy sullivan one lea association representative who is a licensed teacher and lcps employee to be appointed by lea president sandy sullivan thank you that's very helpful and again to reiterate that the joint committee shall be facilitated by an independent third-party facilitator who the lcps chief of

[00:31:20] of staff and division counsel shall assist us in securing. And to go back, I guess, in terms of parliamentary procedure, we have a motion made by Ms. Donahue and seconded by Ms. Chernoff.

[00:31:36] All those in favor, say aye and raise your hand. So Ms. Chandler, I'm sorry, can I ask one clarifying question? The mediator, is that going to be, is the participation of the mediator going to be required throughout the entire process of the joint committee or only on an as-needed basis?

[00:32:01] That's a great question. And I think as we look at the scope, we can consider that question. Although I do think it would be helpful as we have the joint committee to ensure that we stay on task and on time. And as such, I would hope that there would be some cooperation there.

[00:32:22] are there any other questions or comments not for me thank you thank you okay so back to the motion all those I'm sorry madam chair I'm not sure as I heard it the motion is clear for the record so to that extent could we have the motion right again for the record and its entirety at this time we move

[00:33:01] that the LANP committee adopt the school board's December 12th, 2023 recommendation for the LNP, now LANP committee, to establish a joint committee to consider the eight items LEA raised in its December 7th, 2024 communication to the board, wherein such joint committees would be composed of two designated school board members, representatives from the LCPS HRTD and and LCPS Department of Business and Services Committee, two LEA board members, one LEA association representative

[00:33:41] who is a licensed teacher and LCPS employee, one principal, and one licensed school representative. We also recommend that a third party facilitator, akin to those used in other school divisions who are also in this process, work with the joint committee meetings ensure streamlined forward focus discussions um would you recommend that we add any more

[00:34:16] clarification to the motion just for clarification uh you you stated this earlier but for as part of the motion um who appoint which sure point is what we've been going back there will be two designated school board members this will be uh the final determination will be made by the chair but will be taken upon advice from other school board members and in accounting with who has the time and flexibility to serve in this capacity an lcps hrtd representative to be appointed by dr

[00:34:53] spence an lcps business and finance representative to be appointed by dr spence a principal to be appointed by dr spence a licensed school representative to be appointed by dr spence two lea board members to be appointed by lea president sandy sullivan one lea association representative who is a licensed teacher and LCPS employee to be appointed by LEA President Sandy Sullivan and that such joint committee shall be facilitated by an independent third-party facilitator who the LCPS Chief of Staff and or Division Council shall assist in securing. Such

[00:35:32] appointments shall be received by the LAMP committee by February 15, 2024, one week before the February LANP committee where such joint committee can be finalized and presented at the committee's February meeting. The motion has been made by Ms. Donahue and seconded by Ms. Chernoff.

[00:35:52] All those in favor, please raise your hand and say aye. Sorry, Ms. Chandler, can I ask you one more clarifying question? Sure. I apologize. I believe you indicated that the school board members who will be appointed to this committee, the final determination will be made by the chair.

[00:36:11] Can you please clarify? Did you mean the chair of this committee or the chair of the school board? I believe by parliamentary procedure, ultimately, it is my decision as chair of the committee. Thank you. Thank you. Would you like me to read it again? No.

[00:36:35] Okay. I renew my motion. Okay. Thank you. This is a very special circumstance. And I appreciate the room's patience as we work through this. This is not something that we have done, and we are excited to have this opportunity to create a collaborative committee, so thank you for your patience. That said, all those in favor, please raise your hand and say aye. Aye. Aye. I'm sorry.

[00:37:10] That's okay, Ms. Chernoff. Mr. Allen, do we have to include the scope of the different entities in terms of elementary middle and high in the motion or is that something that we can relay to LEA and dr. Spence in terms of have and make that in decision when we appoint the reps thank you mr. Chernoff in terms of how the motion is currently drafted it sounds like that provides flexibility or discretion to the appointing body or person thank you okay all those in favor please raise

[00:37:50] your hand and say aye aye all those opposed please raise your hand and say nay the committee votes 3-0 to pass the motion with that item we will move on to new business is there any new business okay with that we are adjourned thank you thank you thank you Miss Donahue



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