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Loudoun County School Board, Student Behavior and Accountability Committee Meeting, Monday, June 24, 2024

Date Monday, June 24, 2024
Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 24m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/967832224?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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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] Good evening. Welcome to this meeting of the Student Behavior and Accountability Committee. This is Karen LaBelle, and I'm calling the meeting to order at 4.33, we'll call it.

[00:00:17] Thank you. Get to the agenda. As we have no one signed up for public comment, would you like to move forward, Dr. Deans?

[00:00:38] Sure. Well, good. That makes two of us. So that's positive there. And either Marna or Dana, would you like to review the minutes for us? Yes, I would be happy to. Thank you so much.

[00:00:57] Sure. The minutes are from the May 30th meeting. We did meet at 4 p.m. The two of you and Dr. Rashid were in attendance. Staff present were myself, Ms. Gettleman, and Erin Smith, And other staff present included Ashley Ellis, Tina Howell, and Kelly Huff-Snyder.

[00:01:19] The meeting was called to order at 4 p.m. There was no public comment. The motion to accept the meeting minutes from April passed 3-0. There was a motion to forward policy 8550, parental notification concerning sex offender and Crimes Against Minors Registry to the full board as an information item.

[00:01:48] That motion passed unanimously. There was also a motion to forward policy 8273, student speech and expression, to the full board as an information item. That motion also passed unanimously.

[00:02:05] And finally, there was review and discussion of policy 8655, student personal device use. There was a discussion of public comment, and in particular, there was a discussion related to exceptions permitting students to use devices.

[00:02:28] You discussed the yonder pouches, the cost of such pouches, and the possibility of starting a pilot program to test those devices you also suggested a revision to that policy in particular lines 71 and 72 that revision mr smith indicated would be made to the policy before it was sent to the full board and following that discussion there was a motion to forward policy 8655 to the school

[00:03:00] Board as an information item. New Business Chair LaBelle discussed a multi-tiered plan to address student drug use that she had received via email. And there was a discussion about potentially inviting the author or authors of that plan to present the plan at a future SBAC meeting and the committee adjourned at 4.41 p.m. Thank you very much. Do we have

[00:03:37] motion to approve the minutes I move to approve second all those in favor aye the motion has been moved and seconded and carried okay we're going to move on to action item policy 8273 student speech and expression there were some concerns by miss Donahue that we needed to look at certain areas of it she sent

[00:04:12] a letter and apologized for not being able to be here to speak on it herself and I will read portions of it and we can address it as we go along if that's okay that seems efficient she says first I am concerned that the policy appears to limit student free speech only areas outside the classroom and during non-instructional time well I would agree that more restrictions can be appropriately placed on free speech and expression during instructional time I'm uncomfortable with

[00:04:48] the language that seems to apply that our imply that our students do not maintain their right to free speech all the time how do you feel about that dr. deans if we look at the policy again Well, we are looking at it again, and there's a red-lined copy here, and in the red-lined copy, there has been some adaptations, and I think that the red-lined copy addresses what Mrs.

[00:05:18] Donahue has alluded to.

[00:05:36] She shared that when it was sent to the full board. Right, I just wanted to go over it again in committee to get it on record. Okay, so are we comfortable with this? Yes.

[00:05:54] As well as student advocacy, it includes oral and written communication, as well as student advocacy for social or political causes. Does that work for you? Mm-hmm. Okay. Let's move on to the, does that work for you, Mr. Allen?

[00:06:13] I guess we ought to go through the legal portion, too. Thank you, Madam Chair. It's really the committee's will at this juncture, but I have no legal concerns with it as stated. Go ahead.

[00:06:31] Sorry. We're all friends here. Okay. And I think that when we had a discussion in the full board, there was some discussion about including a definition for the word obscene and pornographic, I think, were the two.

[00:07:03] And I don't know if we want to go further than what has been done in the red line version, Ms. LaBelle, because in the full board they thought that they needed a definition for those words, obscene and

pornographic.

[00:07:21] Let me ask, is that definition given in any other portion, for example, under the student dress code section? Thank you, Madam Chair.

[00:07:36] There is a definition included in policy 8360, which was recently approved. Those amendments were approved by the school board earlier this year, and that has a reference to policy 5055, I believe it is, where there's a definition for, I believe it's sexually explicit content, which alludes to the obscene, pornographic, or harmful to juveniles as well.

[00:08:06] Certainly, staff could suggest language if the committee believes there needs to be further clarification within this policy, but there are cross-referenced policies that do state more expressly a definition. Well, just to be clear, Ms. Donahue is concerned that she would advocate adding some limiting language to make clear that speech or expression is not and will not be deemed obscene or harmful to juveniles based solely on reference to a person's sexuality or gender identity.

[00:08:46] Is that expressed in the student dress code? Thank you, Madam Chair. I believe that is expressly set forth in policy 5055, and I'm actually pulling up policy 8360 because I believe that was the board's approved language earlier this year.

[00:09:10] If you can just bear with me one moment, please. So in policy 8360, which is school publications, digital and or print section C, which is titled prohibited content and subsection two, which is entitled obscene and sexually explicit content that states forth.

[00:09:36] This includes materials that are considered obscene or considered harmful to juveniles as defined in section 18.2-372 of the Code of Virginia or that are considered as sexually explicit content as defined in section 2.2-2827 as set forth in policy 50-55.

[00:09:55] nothing in this policy requires or permits the prohibition of school publication materials as sexually explicit or obscene based solely upon reference to a person's sexual orientation or gender identity so that language is tracked there I believe from what I heard Miss Donahue may want similar language tracked and and this policy 8273 could we add it as a cross reference down at the bottom 8055 8360 and you were reading from 8360 or 8055

[00:10:35] 8360 madam chair okay thank you do you feel that we need to be explicit within this policy I mean we talked about this I don't know if you hear that last time but we talked about adding definitions at that point in time and it seemed like like we all felt at the time, that having the cross-references was quite enough.

[00:11:13] Thank you, Madam Chair. It's really the will of this committee whether to add definitions. It sounds like, based on the input you just provided, that the committee was thoughtful about whether or not to include further elaboration and decided, at least from an initial standpoint, it would not be necessary, provided that you do provide the cross-references here.

[00:11:42] When this goes back before the board at large, there can certainly be a more fulsome discussion if other board members feel that that would be beneficial. Thank you, Mr. Allen. One of the things that I've been concerned about as we go through board policy is that But I find sometimes the same information is addressed in different policies, but slightly different.

[00:12:08] I think what is happening, we're not looking back through the whole board policy book to see, oh, this is the realm of this committee. This is the realm of this committee. And I think one of my concerns is that if we keep putting it in more than one place, possibly even different words or descriptions that were going to cause confusion so I think my opinion on this would be to keep the cross-reference only

[00:12:41] how do you feel dr. Dean's on that topic yes but if you if you look at the the input or feedback that we got from the public related to this policy they want further clarification on the use of um i mean what they asked the question what is hate speech

[00:13:13] good question and in in the public response to the policy um and so with us having the knowledge that the hate speech sort of went up near the end of the year i've noticed that quite a bit right in some places do we need to let this policy in under number three is hate speech

[00:13:47] um do we need to further define hate speech that's a question thank you dr deans um that's certainly a consideration that this committee or the board uh can entertain uh it is uh in its current form, it provides flexibility in terms of what has been adjudicated as hate speech or what could be adjudicated hate speech in the future. I think that the current phraseology without

[00:14:27] further definition leaves for flexibility going forward, but that ultimately is a decision left to this committee to determine or the board if they want more clarification from that.

[00:14:42] But I don't have any initial concerns keeping it as currently phrased. Well, under number four, it says, are any invasion of the rights of others? And I think that sort of helps to define that hate speech piece.

[00:15:03] I don't know what you think, Ms. LaBelle, but I think if we define it, it would be so narrowly defined that there would be ways to get around it. But if we leave it as it is, as an invasion of the rights of others, then we cover all of that speech that might.

[00:15:27] The other thing that I'm looking at is the word bullying. Obviously, it's not just hate speech that we have an increase at the end of the year, but also in bullying. Do we need to describe bullying, or is an invasion of the rights of others covering it?

[00:15:44] Or is it defined elsewhere in our policies? - Thank you, Madam Chair. So there is a separate policy distinct on bullying, which I believe provides clarity and definitions of what constitutes bullying.

[00:16:07] There's also reference in policy to cyberbullying. The Bullying Prevention and Education Policy is 8250 there. And it does provide a definition under Section A for bullying. So perhaps we could even cross-reference that, which again is policy 8250.

[00:16:27] And in terms of the invasion of the rights of others, that language is taken from the Tinker Supreme Court case, which you may be familiar with, both of you. And so for completeness of this language, that's why staff proposed that language as well.

[00:16:46] - Thank you, Mr. Allen. Dr. Deans, do you feel comfortable with cross-referencing the bullying policy? - Yes, yes. And I'm okay with an invasion of the rights of others, especially since it's based on a Supreme Court definition and decision.

[00:17:04] Could we add that for our board meeting? Yes, we can add that cross-reference. Do we need to have a vote on it, or is our agreement enough? Your agreement is enough for me.

[00:17:19] Oh, how about that? We did it. Thank you all so much. I'd like to move on now. If there's no more old business, to the next item, which is new business, would you like to introduce our guest speaker here?

[00:17:43] That would be lovely. Yes. Sort of a background. We do. Welcome, sir. I've been noticing you sitting there so patiently. We do have Christopher Moy with us tonight. He is our Title IX coordinator, and he will speak to you about the new business on the agenda.

[00:18:08] The floor is yours, sir. Okay, thank you, Madam Chair. So as Ms. Scanlon mentioned, I am the Division Title IX Coordinator. We were bringing Policy 8035 as an information item to the committee.

[00:18:24] However, there has been an injunction that has joined several states, including Virginia, from enforcing the regulations. So at this point, until this really goes through the court system, we are not allowed to enforce the 2024 Title IX regulations.

[00:18:47] We will be continuing under the 2020 Title IX regulations. So we really don't have a presentation or anything, just a brief discussion? Yes, just a brief discussion.

[00:19:03] Okay. My question would be, how are the new regs that they are thinking about different from our policy 8040 that is currently in effect? Are you familiar with that?

[00:19:20] Yes. So how they are different is under the 2024 regulations, this would specifically define sex, including on the basis of sex, as discrimination of including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.

[00:19:47] And under the 2024 regulations, it specifically states that adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects that person to more than de minimis harm on the basis of sex and would violate the policy and the Title IX regulations.

[00:20:14] So in terms of policy 8040, by not allowing somebody who identifies as a different gender to use the restroom of their choice, that would be a violation under the 2024 regulations.

[00:20:32] And particularly that is what has been, you know, what it was enjoined in the regulations, why they enjoined the entire regulations. The court specifically cited that, you know, this definition of on the basis of sex and including gender identity and sexual orientation is what the issue really is.

[00:20:59] Okay. Thank you very much. I appreciate that. Any more questions, Dr. Deans? Even though the new regulation is not being implemented at this time, is there anything in the new regulation that talks about sports teams and locker rooms?

[00:21:22] Not in this current regulation. There are Title IX athletic regulations that were proposed earlier, and they were subject to come out later in the fall. but after the election but you know there's nothing that speaks to athletic participation in these current regulations okay thank you i thank you for joining us today and um if we have

[00:21:56] no more questions anywhere miss scanley yes actually we do need to go back very quickly to policy 8273 student speech and expression we will need a motion regarding what the next step should be we will make the cross-reference that you would like to have made but what would you like the next step to be do you want this to be returned to the full board for consideration for example I move that it

[00:22:34] would go back to the full board with the addition of the cross-reference of 82 2:50 I second that motion Okay, and are you going to vote on that? I think we will now that we had a Conversation about what's going on with the red lines?

[00:23:09] There is a motion on the floor to send this policy 8273 student speech and expression back to the full board for an action item all in favor say aye aye opposed Motion passes, thank you, Ms. Scanlon.

[00:23:38] Is there any other business before the board, anyone? Seeing none, this meeting is adjourned at, oh, 4:57.



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