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Loudoun County School Board, Student Behavior and Accountability Committee Meeting, Monday, August 26, 2024

Date Monday, August 26, 2024
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/1002996986?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 afternoon, thank you for coming to the Student Accountability and Behavior meeting today. We're going to start with public comment, and we have two speakers today.

[00:00:18] I'm going to read through the rules for public comment, so please forgive me for the length. Speakers shall maintain the civility, decorum, and respect for the functioning and dignity of the school board at all times.

[00:00:38] should be respectful and observe proper decorum in their statements and shall refrain from vulgarity, obscenities, profanity, and other like breaches of respect. Such language may be permitted if the speaker is directly quoting words from materials used in instruction in LCPS.

[00:00:57] Speaker comments that target, criticize, or attack individual students are not permitted during public meetings. Speakers should communicate those concerns privately to the school principal or an appropriate school official complaints regarding the division employees should be directed to the school principal or an appropriate school division official members of the public eligible to address the school board include residents of Loudoun County including the incorporated towns within businesses located in whole or in part in Loudoun County Loudoun County taxpayers current or former LCPS students

[00:01:35] parents and guardians of LCPS students that live outside of Loudoun County, LCPS employees and retirees, or representatives of organizations serving LCPS and employees and students. Members of the school board shall not answer questions or respond directly to the public during the public comment period.

[00:01:59] These procedures govern comments made by any attendee at school board meetings, whether in person or virtually when reasonable the chair will warn a speaker of breaches of decorum or of civility decorum and orderly conduct of the meeting inappropriately loud conversations or outbursts from those in attendance will not be tolerated and security staff will be asked to restore order regular school board meetings individuals may register to make public comment electronically by visiting citizen participation link of the school board

[00:02:39] web page or by contacting the superintendent's office at 571-252-1020 an email may be sent to the public comment at lcpsofva.org in which the case sender will receive a reply within a link at 12 noon on the day of the school board meeting you will be asked to provide your name address and telephone number subject matter and organization represented if applicable the public information officer or designee will accept walk-in registrations in the media box at the back of the boardroom up to 30 minutes prior to the started

[00:03:15] posted start time of the board meeting school board public hearing speakers at public hearing shall limit their comments to the matter that is the subject of such public hearing the same registration requirements would apply as stated previously individuals may only sign up to speak once during the designated public hearing a speaker may address the school board at more than one public hearing if additional public hearing dates are scheduled for different days up to five minutes prior to the posted start time of the committee meeting a designee will accept walk-in resignations in the posted meeting room

[00:03:52] and or conference room copies of the materials for the board members should be given to the public information officer or designee in the media box at the back of the boardroom prior to the start of the meeting for distribution to board members.

[00:04:09] Please provide 12 copies of materials. Under no circumstances will the Speaker approach the dais. Speakers must limit comments to the time allotted by the Chair and announce prior to the public comment meeting. The Chair determines the time based on the number of speakers and the agenda, which will not exceed five minutes per speaker.

[00:04:29] Committee chairs will reserve the right to limit the number of speakers at the committee meetings if they estimate the time for public comment is likely to exceed the time allotted in the agenda. Those who need translation, interpretation assistance, or a reasonable accommodation in order to be able to participate meaningfully in school board meetings, public hearings, or committee meetings should contact the superintendent's office at least three working days prior to the meeting the speaker time will be doubled for speakers requiring translation interpretation assistance when required requested excuse me the school board is also open to receive

[00:05:08] comments outside of school board meetings as an alternative meeting of public participation to email members of the school board please use the contact form available at the following link <https://www.lcpsofva.org/contact-school-board> with capital c s n b thank you for your attention and today we'll be hearing public comment from two of our constituents and the number the time allotted is five minutes i think first we're going to hear

[00:05:46] from Susan Schuster thank you and turn on the speaker push a little button that's all right that means it's on yes hello should I sing a song okay so I just want to thank everybody for their time and efforts here and I'm just gonna run through what I have here and we can go from there but my hello my name is sue

[00:06:21] Schuster and I'm a parent of a teammate a fresh female freshman high school school volleyball player at Independence High School. I found it ironic that a student behavior and accountability committee meeting was scheduled at this time. I'd like to provide an example of an incident in which I believe student behavior and accountability was not handled correctly by all school officials involved, specifically principal John Gabriel and athletic director Ryan Rogers. My daughter was viciously attacked from behind on August 15, 2024 by another student during a school volleyball event. My daughter lost

[00:07:00] consciousness for a few seconds and she sustained a concussion. The narrative was defined by both Mr. Gabriel and Ryan Rogers. Apparently no coaches saw the incident for some inexplicable reason. The cameras in the gym were positioned the wrong way for some inexplicable reason, sorry. The incident was not on film and nothing was provided to me. John Gabriel explained to me that the girl who attacked my daughter would be granted special privileges because of her circumstances. How, I continue to wonder, will a young person learn from their actions,

[00:07:38] particularly violent ones, and if there's no consequences, how is she going to learn from these deeds? The exact quote from Ryan Rogers involving this incident, hypothetically, do you think that if your daughter hadn't laughed, this would have happened? Of course, Mr. Ryan Rogers' statement squarely blames the victim. He also creates the ridiculous equivalency between some giggling and attacking a defenseless victim from behind my question to you today is this kind of action if this kind of action is acceptable in this district what will it take to hold students

[00:08:17] accountable and when is the district going to stop blaming the victim and why was this individual not suspended from the team i just want to repeat myself one more time what will it take to hold students accountable? And when is the district going to stop blaming the victim? Thank you.

[00:08:40] Thank you. Next, we're here from Mr. Mark Nadel. Thank you. And I don't think I'm going to use all five minutes, so. I'm here today to speak about the proposed revisions to policy 8273, Student Speech and Expression. We live in a highly divisive, politicized, and intolerant society.

[00:09:06] These revisions will allow the same coarseness and intimidation we see in the town square to permeate our schools. I sent my concerns to Chair Mansfield, who stated there are policies in place via policy 6210 that safeguard our children from intimidation. I have read this policy. It is highly subjective. You can run a truck through it, okay? And basically, it says things like hate speech and so on. Who defines that? And I'm going to get that to a minute.

[00:09:34] Allowing free speech, oral, written, clothing, or otherwise during instructional time opens up too many opportunities for our students to be subjected to intimidation in an unhealthy environment. Who will be the arbiter of what constitutes hateful or intimidating speech? Will the burden now fall on our teachers and administrators? How quickly can they respond to an incident?

[00:09:55] The damage will be done before any action to remediate can occur. How will these arbiters determine if the language, signage, clothing is intimidating or hateful? Hate or intimidating speech is in the eye of the beholder. Is a crucifix? A Star of David? An American or Gadsden flag, a confederate flag, a

keffia, a symbol of hate? Some will say yes, some will say no. It depends on the context and their situation. Let me give you a scenario to consider. Students in a world history class decide they will come into class wearing from the river to the sea t-shirts and keffias. The single Jewish student in the class was of course omitted from this interaction.

[00:10:34] How do you think he or she would feel? Would they feel intimidated, threatened, humiliated, and shunned by their fellow students? What would the teacher be forced to do or the administration? The damage would be done and irreparable. I don't think that's your intent. The same could hold true if a group of students decided to wear a T-shirt that said, the South will rise again with the stars and bars of the Confederacy.

[00:10:57] How would the few black children entering a classroom seeing their fellow students dressed as such? Or students who decide to wear a T-shirt that says, all MAGA people are deplorable. How would the few conservative leaning children feel? Students are highly susceptible to social media And we know that social media is heavily manipulated by activists of all sorts and not in a positive civic building way.

[00:11:20] I support students being able to voice their opinions on subject matter they are studying during the context of instruction if it is done in a polite, civil, and thoughtful manner, one that is moderated by our professional teaching staff. What I do not support is turning our schools into social issue incubators, and that is what this revised policy will allow.

[00:11:42] Which communities have you reached out for input? Have you engaged the parents, the teachers, administrators, the clergy, and fellow citizens? I'd like to ask, what is the driving need for a change in this policy, and especially at a time when there's so much social unrest and animosity?

[00:11:59] I ask you to reverse your decision, revert to the previous policy, and keep politics and activism out of our schools during instructional hours. Just to recap, Policy 62 is ambiguous and subjective and very difficult to enforce. You realize that we have an army of lawyers and organizations that deal and grapple with issues of free speech, hate speech, usually winds up in litigation.

[00:12:22] Is that what we want LCPS to head to situations because of this policy where suddenly we're litigated and costing more money to our school system that is unnecessary? Who's the arbiter? Is it going to be the teacher in the classroom who's going to be the first one to see it? Is it going to be the administrator who has more burdens put on it?

[00:12:40] Is it going to be you in this room or the school board or the lawyers for LCPS? So what is hate speech and symbols? I defy you to define it. I really do. And again, I ask that you reverse your decision, revert back to the old policy, which seems to be working fine.

[00:12:59] There is no rush to change it. And I kind of wonder what's driving the need for change. You said that we can leave our written material up there. Okay, so I'm going to leave with you several pieces of information about this. go into record if you'd like. Thank you. Thank you, Mr. Nodell. Appreciate it. Next on our agenda is the reading of the minutes from June 24th. Do you have them, Marna, Ms. Skittleman, or does

[00:13:36] Ms. Scanlon have them? We both have them, but I'm happy to read them. Well, thank you. Okay. The meeting of June 24th was attended by Ms. LaBelle and Dr. Deans. Staff present included myself, Dana Scanlon, Wesley Allen, Marna Gettleman, and Christopher Moy, who attended remotely.

[00:13:59] Other staff present included Ray Mitchell, Cheryl Richardson, and Shannon Pecora. Members of the public present included Evan Goodenow and Andrea Weiskopf. The meeting was called to order at 4.33.

[00:14:18] There was no one signed up for public comment. The minutes of the May meeting were read into the record and accepted unanimously. There was an action item pertaining to policy 8273, student speech and expression.

[00:14:38] Dr. Dean's move to approve the addition of policy 8250 in a cross-referenced section and to forward that draft policy to the full board as an action item that motion did pass unanimously in terms of new business Mr. Moy and Mr. Allen explained that policy 8035 title 9 sex based discrimination sexual harassment was on hold due to an injunction and that LCPS would continue to operate under the current version of policy 8030 until there was a decision from the

[00:15:16] court. The meeting adjourned at 457. Thank you. You've all heard the reading of the minutes. Is there a motion to approve the minutes as read? So moved. Second? Second. All in favor say aye. Aye. Motion The discussion passed.

[00:15:39] Thank you. Unanimously. Next on our agenda, we have an action item. Policy 8273, Student Speech and Expression. The full board sent this policy back to the committee to consider concerns brought up by the school board, full school board.

[00:15:59] The discussion centered on the definitions of terms in the policy. It was noted that the cross-reference policy provide clarification on terms and that the current flexibility of the language allows for any future adjudication for what may be considered hate speech without having to revisit the policy each time there might be a change.

[00:16:22] The Committee observed that providing the cross-reference will allow for consistency in the terms used. Dr. Deans moved to approve the addition of policy 8250 in the cross-reference section and to forward the draft policy to the full school board as an action item.

[00:16:39] Sarah LaBelle seconded the motion and it passed with a 2-0 vote with Dr. Rasheed absent for the vote. Now, at this point in time, if you will check the document that we have here in our notes, that is the red-lined copy that has been sent in, the bottom part are the parts that the board wants to add.

[00:17:16] And I propose that all of the things that are there could be covered after doing research. We have nine policies that address all of that, and the introduction to student conduct fully explains that, that provides a definition of pornographic materials as well as hate speech. And so it is already all covered in this policy. Is there any discussion that we want to

[00:17:55] bring forward on this policy? Yes, Ms. Deans. I think the cross-reference of the other policies satisfies the pieces that the full board felt were omitted. And I think that adding any further carrying down of I'm contagious sorry I'm contagious anybody who sits next to me forgets

[00:18:27] their buttons as I do thank you I didn't mean to interrupt no that's okay thank you um I think adding the cross-references of those additional policies that already exist as you indicated satisfies the question or the conversation from the full board adding anything beyond that is redundant in that you're saying the same thing that the other policies have already said.

[00:19:00] That's the way I see it. And I read through the policy and read through the recommendations made from the full board. And I didn't see the need to add verbiage, but to just add the cross-references.

[00:19:26] Mrs. Scanlon, did you have the comment that we discussed a little bit earlier that would Clarify the change in the policy? Is that the comment related to cross-referencing policy 50-55?

[00:19:47] There's 50-55, and we also talked about 82-10. Yes, I believe what we discussed was looking at beginning at line 19 of the current policy as that is before you, and stating this right does not extend to or include speech or other expressive conduct that violates policy 8210, Introduction to Student Discipline.

[00:20:24] Thank you. And I understand that 8210, Section F, Items 12, 20, and 21, would address walkouts.

[00:20:43] Is that included in there, 8210? I think we talked about that last time. Addressing walkouts. Yes. We had discussed that walkouts would be included or addressed under the regulations that is currently in draft form.

[00:21:04] Okay. Thank you. The regulation regarding student demonstrations. Thank you. Any further discussion about AD210, Dr. Rashid? I'm just still thinking about how far we can take this.

[00:21:20] in what direction this has the capacity of going. Because I thought we settled this before, I can't recall when, which, June 24th. So I thought it was pretty much solved then, but I think that there was a concern that what was brought up, I think that it kind of eliminates or isolates a certain group.

[00:21:44] So again, we're looking at, I do agree that the original, what was written originally, and with the cross-reference, I do agree with that. But I'm just trying to, I guess, grapple on what is the specifics that opens this up to more issues down the road.

[00:22:07] If you would, if you have your computer open, open it to policy 50-55, and that'll tell you specifically what's in there. Reg or policy?

[00:22:28] Just 50-55, right? thank you mr. Allen I don't give you the details you know I think part of it I

[00:23:01] think miss Donahue was concerned about pornography and then there's also 82 40 which are trans rights and if you look at the policies there that does give you definite descriptions there's also in there if I forget which one it was let Let me see. It's 82.10 and it talks about what hate speech is. Am I correct, Ms. Scanlon?

[00:23:40] 82.10 defining hate speech. Is that the one that defines hate speech? It prohibits hate speech, but hate speech itself is defined in a different policy or regulation. Do you happen to know that one?

[00:23:56] Thank you, Ms. Scanlon. - So 8210 paragraph F12 refers to hateful language and actions based on race, color, national origin, caste, socioeconomic level, religion, sex, pregnancy, and about a dozen or so more protected classes or reasons.

[00:24:17] And so that provides greater context than kind of a blanket statement of hate speech without further context. - Okay, so if we cross reference that, And I think we've put that in there. That should cover the issues that Mrs. Donoghue and I believe Ms. Chernoff was concerned about.

[00:24:38] So Ms. Chernoff's proposed amendment, you will see on the document as beginning or being included in lines 35 to 36, which defines school activities to include any interruption or interference with instructional time.

[00:25:06] And there was one of the policies that actually described what interference of instructional time was. I think that was also 8210, somewhere in there. I'm just going to double-check that for you.

[00:25:29] Thank you. - So if I may, paragraph F13 of 8210 does prohibit willful interruption or disruption of any school or part thereof.

[00:25:47] So I think that does speak. It's not as explicitly stated as Ms. Chernoff would like, but it is referenced in policy 8210. - It does look like we have covered pretty much everything that...

[00:26:06] - If I may, isn't that what we concluded in the last meeting that everything was... There, yes, and it bounced back. This is like a rubber ball here, going back and forth. Maybe it's tennis, I don't know. I think we're covering all of it, and if we include the statement that we talked about from line 19 and 20 and added that it was anything that might be prohibited in the Code of Student Conduct, that should cover it.

[00:26:42] And we have actually looked at, in this meeting, the spaces, the verbiage on the actual policies. So would you agree that we've covered pretty much everything? Yes, and I think if you're restricted to instructional time, then you're putting yourself up to scrutiny when the kids are between classes and in assemblies and other places.

[00:27:11] So I think it should be left at school activities rather than only instructional time. So you want to include instructional time and or activity? No. I mean, we have school activities. Okay. That includes instruction and other. Okay.

[00:27:26] So you're good with the way it is now with that addition of? Yes, with the addition of the reference, the cross-reference to 8210. Mm-hmm. Yes. I agree. I agree. Well, is there a motion to accept the draft policy 8273 with the corrections in reference to the items in policy 8210?

[00:28:04] So moved. Let me ask Mr. Allen, would that be appropriate? Thank you, Madam Chair. I believe in the current version that went to the school board, 8210 was cross-referenced at the bottom.

[00:28:20] and that language in blue in the first paragraph there was also included. Is that correct, Ms. Scanlon? Yes, Policy 8210 was already cross-referenced in the draft that went to the full school board in June, both in lines 24, 25, and also in on line 47.

[00:28:50] You can see the cross-reference to Policy 8210. So do we need the sections that are labeled 1, 2, 3, and 4 or not? Is that just competitive?

[00:29:06] So it would seem to me that the items listed in numbers 1, 2, 3, and 4 are all items that would violate policy 8210. So I think that by making clear that this right does not extend to or include speech or other expressive content that violates policy 8210,

[00:29:30] you are encapsulating all of those examples of prohibited conduct and also encapsulating other prohibited speech that is in violation of 8210, for example, threats, intimidation.

[00:29:47] So it'd be all right to remove those pieces then? If that's the will of this committee to make that recommendation, I would indicate, as you're familiar, the Tinker Supreme Court case, Tinker 1969, does set forth the standard for students' freedom of speech and expression.

[00:30:12] And as you know, they don't shed that right at the entry of the schoolhouse gate. But number four does track that standard from the Tinker case. So if the committee were inclined to leave some part of

this other than the cross-reference to 8210, it might be cleanest from a legal standpoint to include that standard since it is a Supreme Court case standard.

[00:30:36] Just standard four then. That's correct. Are you comfortable with that? So leave the addition of under number four, leave that addition.

[00:30:54] Thank you, Dr. Deans. I'll clarify. So as we view this on the screen without Ms. Chernoff's proposed language, that would be, as I've heard the committee indicate earlier, they're not inclined to accept Ms. Chernoff's proposed amendment because it's encapsulated with the school activities language.

[00:31:14] So the school board and the committee rather could just retain that language that's under section four now. - Okay. - Okay. So with that in mind, does someone want to make a motion?

[00:31:30] If I could just clarify so I can be sure what this would look like. I believe, but correct me if I'm wrong, what you are suggesting is that if we start on line 19, starting with this right does not, that that would be amended to read, this right does not extend to or include speech or other expressive conduct that violates policy 8210 and moving down to line 34 and leads to or is likely to lead

[00:32:07] to substantial disruption or material interference with school activities or an invasion of the rights of others, period, and then strike everything else that comes below, specifically lines 21 through line 29. Is that what you are suggesting?

[00:32:31] She's saying take this out. Take this out. All the way down to here. And then continue with four. And then eliminate the underline. That's going to be in there.

[00:32:49] She took it out. She said it'll be or an invasion of the rights of others, but she eliminated the underlined part to include interruptions To or interference with instructional time or an invasion of the rights of others. Okay, and we're going to in the moment Work up for you a visual of what we believe you are wishing this document to say

[00:33:26] Glasses, but they wouldn't work for you. Okay, so he said this precedes cross-referencing supersedes the rest of these items and then it jumps down to yeah, because it's found in So you're striking 1, 2, and 3 and leaving 4, is that correct?

[00:34:03] I mean, there's not a 4, but 4 would be... It would be included with that sentence. That's what I understood you were asking for, but if I've misunderstood, please clarify. Mr.

[00:34:35] Allen, by eliminating those lines and cross-referencing... I'm isolating, I don't know, it's 8210, right there. Are you saying that suffices to eliminate those items that we just put a cross on just now?

[00:34:57] Like that would be enough? That would be encapsulated in 8210 by eliminating those three items? - Thank you, Dr. Rasheed. Yes, that's the board committee as well to kind of pare down this policy.

[00:35:15] 8210 does cover those two items. number two and number three as prohibited conduct. And since this policy has already been reviewed by this committee and the school board and has included the additional proposed revision, which you'll see on line 24, to include prohibited conducts at fourth in policy 8210, introduction to student discipline.

[00:35:42] Then I think it follows that the perspective is that number two and number three are repetitive or duplicative. - And I think number one is crossed out to, and that would be the same reasoning that you said before.

[00:36:01] Number one is crossed out to, for the same reason that you just mentioned before. - That is correct, Dr. Rasheed, thank you. - Okay, I just wanna make sure, thank you. - I think what we're saying is we don't want this to come back for more changes. Okay, let's be sure.

[00:36:21] - So that part leads to, or is likely to lead to, substantial disruption. Is that going to be left in? - Yes. - Am I saying that? to be left in, right? Yeah, because this is all it says.

[00:36:37] Yes, that would be the advice to counsel because it does incorporate case law, the tinkerer decision. Would you like it read through one more time?

[00:36:57] No, I think I have it now. All right. So do we make a motion to accept it with those changes? Sure. And send it to the full board?

[00:37:16] With a blessing. Yes. Yes. Madam Chair, I move that we accept the policy with the changes we currently made, which will clarify all of those items under 8210 and send it back to the full board with our ability to explain to them the reason that we did that.

[00:37:54] I make that motion. Thank you. Second? Second. The motion has been proposed and seconded. all in favor aye aye all opposed none motion passed unanimously thank you all right our next item any new business no is there a motion to adjourn I make a motion to adjourn chair a second motion's been made and seconded all in

[00:38:33] favor aye motion has passed unanimously thank you all for coming



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