

ARLINGTON PUBLIC SCHOOLS
School Board Meeting
April 16, 2020

Item C-1-a

The Arlington School Board convened on Thursday, April 16, 2020 at 7:03 PM. This meeting was held by electronic communications using Microsoft Teams, due to the COVID-19 Pandemic emergency.¹

Present were:

Tannia Talento, Chair
Monique O’Grady, Vice Chair
Reid Goldstein, Member
Barbara Kanninen, Member
Nancy Van Doren, Member
Melanie Elliott, Clerk

Also present were:

Cintia Johnson, Interim Superintendent
John Chadwick, Assistant Superintendent, Facilities and Operations
Bridget Loft, Assistant Superintendent, Teaching and Learning
Leslie Peterson, Assistant Superintendent, Finance and Management
Dan Redding, Assistant Superintendent, Human Resources
Zachary Pope, Emergency Manager

A. CLOSED MEETING: NONE

B. REGULAR MEETING OPENING:

1. Call to Order and Pledge of Allegiance
2. Announcements
 - April 21, 2020 Budget Work Session, 5 PM, Virtual meeting
 - April 21, 2020 Public Hearing, Interim Superintendent’s Revised Proposed FY 2021 Budget, 7 PM, Virtual meeting

Ms. Talento announced that the meeting was being conducted virtually and provided details about changes to the budget development process and schedule, including revised plans for public hearings. She confirmed the Board is preparing to reinstate Open Office Hours later in April, and she provided an update on the Superintendent Search.

Mr. Goldstein thanked all APS staff and the community for their efforts to pull together and adapt to the unusual situation caused by the pandemic and

¹ Video clips of regular School Board meetings can be viewed on the APS Web site at the following link: <https://www.apsva.us/school-board-meetings/view-school-board-meetings/>
DVDs of all regular School Board meetings are also available for viewing in the School Board office.

appreciated efforts to continue supporting students and families. Dr. Kanninen thanked her Board colleagues, Ms. Johnson and the Executive Leadership Team, for their efforts meeting this challenge. She acknowledged that this is a stressful time for all, and looked forward to a better future. Ms. O’Grady appreciated the staff for their efforts and acknowledged outreach to the community. She also thanked families for working together to engage all students in learning. Ms. Van Doren thanked the Board staff and technology staff for their support of the virtual meeting format, and recognized efforts by the state to help the school divisions move forward in these challenging times. She also recognized difficulties that families are facing, as they must work and learn from their homes.

Ms. Talento agreed with her colleagues and shared her thanks for all efforts being taken by the staff and community to continue the important work of the school division through the pandemic. She also announced that April is Donate Life Month, and shared information about the importance of considering becoming a donor.

3. Interim Superintendent’s Announcements and Updates

Ms. Johnson thanked the Board and staff for their work as APS faces the pandemic and encouraged all to work together through this challenge. Mr. Pope described efforts in place to provide food and support to families and students through the Grab and Go Meals and Cooperative for a Hunger Free Arlington initiatives. Ms. Loft reviewed work underway to support learning for families including how plans were developed and she explained how virtual learning is being implemented. Information about school options and transfer opportunities and online registration were also presented. Mr. Redding presented an update on efforts to hire two principals. Ms. Johnson then shared highlights of recent events and plans to celebrate staff, and she provided an update on the 2019-2020 School Board Action Plan. She also explained how families can communicate with APS about concerns and confirmed that staff will respond as quickly as possible.

Staff responded to Board questions and the group discussed at length how instruction will be delivered, as well as the importance of providing equitable learning opportunities to all students. Also discussed was how additional food support can be provided to families, and how to help ensure all families have internet access. Ms. Van Doren submitted questions related to registration and encouraged APS to make sure families have wifi access. Mr. Adusumilli described efforts to provide devices and internet access to all families. Also discussed were plans for summer school, how to ensure elementary students receive learning packets, the decision to not provide new subject matter in the 4th quarter, and challenges families are facing that might impact learning.

C. CONSENT AGENDA: (9:01 PM)

Ms. Talento moved to adopt the consent agenda, seconded by Ms. Van Doren. The motion was adopted in a vote of 5 – 0. The voting record is as follows: Mr. Goldstein – Aye; Dr.

Kanninen – Aye; Ms. O’Grady – Aye; Ms. Talento – Aye; and Ms. Van Doren – Aye. The following items or actions were approved as a part of consent:

1. Minutes: NONE

2. Personnel Actions:

P/E-SCALE PERSONNEL

2 Resignations

1 Retirement

T-SCALE PERSONNEL

7 Resignations

5 Retirements

A-SCALE PERSONNEL

1 Retirement

SUPPORT SERVICES PERSONNEL

1 Retirement

E. INFORMATION ITEM: (9:02 PM)

1. Interim Superintendent’s REVISED 2021 Proposed Budget

Ms. Johnson presented the revised proposed 2021 Budget, confirming that this budget honors the APS commitment to students and preserves the strong team. She thanked staff for their work and reviewed the budget direction and priorities that guided the work. She then presented an overview of the changes made to develop the revised proposed budget, commenting on unknown factors that have and will continue to affect the budget. After reviewing the impact of the pandemic on revenues, she summarized changes in the revised budget. She also presented three scenarios for the Board’s consideration. Scenario 1 includes a step increase per policy, scenario 2 provides a 1% cost of living adjustment, and scenario 3 provides no compensation increase. Reductions in the budget were then presented as they relate to strategic plan goals. Changes proposed for revenues and expenditures were also highlighted, and Ms. Johnson summarized future considerations and budgetary pressures. In closing, she reviewed the upcoming budget calendar.

Responding to questions, Ms. Peterson confirmed that the Board will receive detailed information in the upcoming days. Staff provided clarifying information related to the county transfer, the use of reserves, and the proposed furlough day.

E. INFORMATION/ACTION ITEMS: (9:48 PM)

1. School Board Resolution on Electronic Meetings

Ms. Talento explained the purpose of the proposed resolution, which will help the School Board conduct necessary business during the pandemic.

Ms. Talento moved to adopt the following resolution:

**RESOLUTION TO IMPLEMENT EMERGENCY PRACTICES &
PROCEDURES FOR THE CONTINUITY OF THE ARLINGTON SCHOOL
BOARD’S OPERATIONS FOR THE DURATION OF THE COVID-19
PANDEMIC**

***WHEREAS**, on January 31, 2020, the United States Health and Human Services Secretary declared a public emergency for the entire United States to aid the healthcare community in responding to the novel coronavirus (COVID-19); and*

***WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and*

***WHEREAS**, on March 12, 2020, the Governor of the Commonwealth of Virginia, in Executive Order Number 51, declared a state of emergency and disaster within the Commonwealth of Virginia, pursuant to Va. Code § 44-146.16, arising from the public health threat presented by a communicable disease anticipated to spread, and directed localities to “limit large public events, effective immediately”; and*

***WHEREAS**, on March 13, 2020, the President of the United States found and declared the outbreak of COVID-19 to constitute a national emergency, retroactively beginning on March 1, 2020; and*

***WHEREAS**, on March 13, 2020, Cintia Johnson, Interim Superintendent of Arlington Public Schools (APS), in response to the COVID-19 pandemic, announced the closure of the school division at least through April 14, 2020; and*

***WHEREAS**, on March 13, 2020, in accordance with Virginia Code § 44-146.21, the Arlington County Manager signed a declaration of local emergency (Emergency), which was ratified and consented to by the Arlington County Board on March 14, 2020; and*

***WHEREAS**, effective March 23, 2020, the Governor of Virginia, by Executive Order No. 53, in furtherance of Executive Order No. 51, and to mitigate the impacts of COVID-19 and its spread, ordered the closure of all K-12 public and private schools in Virginia for the balance of the school year; and*

***WHEREAS**, on March 30, 2020, the Governor of Virginia, by Executive Order No. 55, issued a Temporary Stay-At-Home Order Due to Novel Coronavirus (COVID-19), ordering all individuals in Virginia to remain at their place of residence except as provided in that Order, and Executive Order No. 53, through June 10, 2020; and*

WHEREAS, there have been multiple confirmed cases of COVID-19 among Arlington County residents; and

WHEREAS, the Arlington County Board found that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code § 44-146.16, being a “communicable disease of public health threat”; and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, government operations include the work of the Arlington County Board and other local public bodies, and the personnel who work for or on behalf of local public bodies; and

WHEREAS, the Arlington County Board on March 24, 2020, and adopted its EMERGENCY ORDINANCE TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER, authorizing it and public bodies that perform governmental functions in the County to use electronic means for its meetings so that they may meet virtually as permitted by the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3708(A)(3), to consider matters and take actions essential to ensure the continued operations of the government in the County, provided a quorum is in attendance virtually, and provided such meetings shall be duly noticed in compliance with VFOIA, and provided the public will be offered the opportunity to attend the meetings virtually; and

WHEREAS, nothing in the Arlington County Board’s March 24, 2020 Ordinance prohibits it or other public bodies from convening in-public meetings provided that public health and safety measures, including appropriate physical distancing, are utilized; and

WHEREAS, the Arlington School Board (School Board) values transparency in its operations and public engagement, it also finds that emergency measures are necessary to mitigate the spread of COVID-19 and to protect the health, safety, and welfare of students and employees, while still providing for its operations to continue during this state of emergency; and

WHEREAS, the Arlington School Board affirms the foregoing determinations of the existence of a disaster and the declaration of a state of emergency throughout the entire County affecting the students, staff, facilities, and members of the school community of APS, and the School Board being a public body included within the scope of the County’s Emergency Ordinance, the School

Board adopts the procedures for the conduct of public meetings as set forth in the Emergency Ordinance and as further set forth herein; and

WHEREAS, *Article VIII, Section 7 of the Constitution of Virginia and Va. Code § 22.1-28 vests the supervision of the public schools of the school division in the School Board, as the Attorney General of Virginia opined on March 4, 2015, confers expansive power on school boards, finding that the Supreme Court of Virginia has made clear that the Constitution's grant of express supervisory power necessarily includes a broad range of implied powers; and*

WHEREAS, *given the severe limitations on the physical gathering of people during the COVID- 19 pandemic, which gathering is ordinarily required for many tasks of the School Board's operations, as well as to fulfill the necessary obligations of the School Board to its constituents, to include students and their families, the School Board finds it appropriate to provide, by resolution, a method of transacting necessary public business during the disaster without the physical attendance or gathering of people during the duration of the COVID-19 disaster; to provide for its ongoing and continuing operation; and to address the emergency and its essential and legally-prescribed functions and responsibilities, which, if not timely addressed, would result in substantial harm to the students, staff, operations, facilities, and community members of APS; and*

WHEREAS, *those critical and essential functions and legally-required procedures which must be addressed by the School Board to ensure continuity in government include, but are not limited to: the procurement of goods and services necessary to continued functioning; adoption or amendment of policies and regulations to address changes in instruction, staffing, facility usage, transportation, provision of meals, calendar modifications; delivery of distance learning/instruction and modifications to existing technology; personnel searches, discussions or determinations, to include the search process for APS' superintendent; compliance with due process protections and procedures for students and other disciplinary matters for students and staff; provision and staffing of health services; adoption of the budget and any necessary amendments; payment of warrants; acquisition of public and real property; construction of facilities and related contract obligations; investigation and resolution of discrimination and other complaints involving employees and students; compliance with obligations arising under federal statutes; other legal compliance and litigation; adoption or amendment of policies and regulations that are due or overdue for review; or that are necessary to ensure alignment with the Virginia Code; and other essential matters critical to the operations of the school division which are anticipated in the immediate future and thereafter during the pendency of the COVID-19 pandemic.*

THEREFORE, *it is hereby RESOLVED that the following emergency measures are ADOPTED by the Arlington School Board:*

Sec. 1. Purpose; Effective Date; Expiration

The Arlington School Board, in compliance with all federal and state directives, may participate in meetings necessary for the continuity of government solely by electronic communication means without a physically assembled quorum in one location, while otherwise remaining in compliance with the public notice, public access, and other requirements of VFOIA, to the extent practicable.

This emergency Resolution is effective immediately upon its adoption by the Arlington School Board and shall remain in effect through the longer of the Emergency Resolution of the Arlington County, or June 10, 2020. The School Board reserves the right to subsequently adopt a resolution or motion to rescind, amend, or extend this action.

Sec. 2. Public Meetings and Public Comment

A. Public Meetings: Any regularly scheduled or regular meeting of the School Board may be held by solely electronic or telephonic means without a quorum of members physically present and without members of the public physically present, provided the following occurs:

- 1) The item or items discussed are necessary to address the disaster or to assure continuity of government (including time-sensitive matters set forth in the recital above) and as to which, as referenced in the recitals above, the usual procedures cannot be implemented safely or practically.*
- 2) The meeting is accessible to the public through live audio or video on the School Board's website, a dial-in telephone number, and/or a social media platform.*
- 3) The public notice for the meeting must:
 - a. include a statement that the meeting is being held using electronic means;*
 - b. contain specific information about how members of the public can access the meeting; and*
 - c. if there are any public hearing or public comment items, specifically identify how members of the public can provide comment, including one or more of the following: by e-mail, in writing, by telephone, through a social media platform, or via other electronic means.**
- 4) The agenda and other materials associated with the meeting will be posted in compliance with VFOIA.*
- 5) Any votes taken during the meeting must be taken by roll call, individually recording each member's name and vote.*
- 6) The minutes of any meeting under this Resolution must conform to the requirements of law, including identifying the forms of electronic communication used, the members participating and the means by which they participated, the opportunities for public access or participation, a summary of the public comments, if any, and the actions taken at the meeting.*

B. Public Comment

- 1) *The Board may, for any or all meetings, and/or agenda items to be considered at those meetings, elect to dispense with the requirement for live public comment, where such comment is not legally required:
The Board will, however, provide alternative means of providing public comment, including on agenda items, as follows:*
- a. *Normal rules of order apply with respect to requiring the name and home address of the commenter, that comments relate to the hearing or comment topic, that appropriate limits on the number of comments per person per item apply, and that comments be of reasonable length;*
 - b. *The submission of public comments via phone call, e-mail, recorded video, or in writing, up until a reasonable time before the start of the meeting so long as those comments are provided to the School Board members prior to any decision on an item;*
 - c. *If available, members of the public may provide comments through leaving a voicemail on a dedicated phone number up until a reasonable time before the start of the meeting so long as those comments are then provided to School Board members prior to any decision on an item;*
 - d. *If available, members of the public may provide comments through telephonic or interactive electronic means (call-in meeting access, social media platform) during the meeting so long as those comments are received by or provided to the School Board members prior to any decision on an item;*
 - e. *The School Board may choose to receive additional comments through any means for a period of time after the public hearing or public meeting, so long as it announces and publicizes that opportunity and those comments are provided to the School Board members prior to any decision on an item;*
 - f. *All public comments must be made a part of the record of the School Board either by being summarized in or included with the meeting minutes.*

C. **Public Hearings**

For matters as to which a public hearing is legally required, members of the public will be offered the opportunity to attend the meeting virtually, and to participate in the meeting virtually including the opportunity for offering public comment, without physically attending the meeting. The Board may also make arrangements for members of the public to participate at a physical location, with some or all members of the Board participating electronically.

Sec. 3. Closed Proceedings

The School Board may hold closed meetings or sessions electronically, provided the meeting topic falls under the Closed Meeting requirements, and provided other applicable FOIA requirements are met. The closed portion of such meetings will be held separately from the portions of the meeting publicly-available via electronic means referenced above.

Sec. 4. Advisory Committees

Necessary meetings of School Board advisory committees shall be conducted consistent with the above provisions for meetings of the School Board insofar as applicable.

Sec. 5. Temporary Suspension/Waiver of Inconsistent School Board Policies and PIPs

Any policies or Policy Implementation Procedures of the Arlington School Board or Arlington Public Schools are suspended/waived to the extent they are inconsistent with this Resolution.

This Resolution shall take effect immediately upon its adoption by the Arlington School Board.

The motion was seconded by Ms. O’Grady. The motion was adopted in a vote of 5 – 0. The voting record is as follows: Mr. Goldstein – Aye; Dr. Kanninen – Aye; Ms. O’Grady – Aye; Ms. Talento – Aye; and Ms. Van Doren – Aye.

2. Amendment to Sun Tribe Solar Contract: (10:03 PM)

Mr. Chadwick described this item is an amendment to a comprehensive agreement approved in 2018, which provided solar photovoltaic rooftop systems at five locations. After acknowledging staff who has supported this project, Mr. Chadwick explained that the amendment includes four additional sites for solar photovoltaic systems and adjustments to the agreement related to the Tuckahoe site. After describing each of the agreements, Mr. Chadwick outlined next steps, including the actions that would result with approval of this amendment.

Mr. Chadwick responded to questions, particularly related to costs of this proposal, and explained some of the benefits of the proposal. Board members had concerns and questions particularly related to Jefferson Middle School roof work. The Board agreed to postpone action on this item until additional information is provided.

H. NEW BUSINESS:

The Board held a moment of silence in honor of County Board member Erik Gutshall, who passed away. Board members shared their memories of working with Mr. Gutshall and shared their condolences with his family and friends.

I. ADJOURNMENT

The meeting adjourned at 10:42 PM

ATTEST:

Melanie Elliott, Clerk
Arlington School Board

Tannia Talento, Chair
Arlington School Board