

VIRGINIA:

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

MEGAN CLEGG,

MEGAN RAFALSKI,

AND

ADAM RAFALSKI,

Plaintiffs,

v.

LOUDOUN COUNTY SCHOOL BOARD

And

**DR. SCOTT ZIEGLER, Superintendent of
Loudoun County Public Schools**

Serve:

LCPS Administration Building
21000 Education Court
Ashburn, Virginia 20148

Defendants.

Case No.: CL 22-65

PETITION FOR INJUNCTION AND DECLARATORY RELIEF

COME NOW the Plaintiffs, Megan Clegg, Megan Rafalski, and Adam Rafalski, by Counsel, and as their Petition for Injunction and Declaratory Relief against the Defendants, Loudoun County School Board Members and Dr. Scott Ziegler, Superintendent of Loudoun County Public Schools, they state as follows:

I. INTRODUCTION

The Defendant Loudoun County School Board Members, and Dr. Scott Ziegler as Superintendent of Loudoun County Public Schools, deprived the Plaintiffs of rights secured to them by the Constitution of Virginia, the Code of Virginia, and the Freedom of Information Act (“VFOIA”), specifically pertaining to requirements that meetings be open and accessible to them as members of the public. The Plaintiffs seek declaratory and injunctive relief from the repeat, violative acts of the Defendants, which are set forth herein and in the Plaintiffs’ affidavits.

II. PARTIES, JURISDICTION AND VENUE

1. Megan Clegg is a citizen and taxpayer of Loudoun County, as well as a parent, and she was present at the June 22, 2021 Loudoun County School Board Meeting. Mrs. Clegg was signed up to speak at the June 22, 2021 Board Meeting with her daughter, who at the time was enrolled in the Loudoun County Public Schools. Due to the actions of the Loudoun County School Board, she was deprived of her right to speak and locked out of the School Board Meeting. As such, she has been denied certain rights and privileges conferred by Va. Code §§ 2.2-3700 *et seq.* due to the conduct of the Loudoun County School Board in relation to their meetings on or about June 22, 2021, August 10, 2021, September 14, 2021, September 28, 2021, October 12, 2021, October 26, 2021, and November 9, 2021.

2. Megan Rafalski is a citizen and taxpayer of Loudoun County, as well as a parent. Mrs. Rafalski has been present and signed up to speak as a community member at Loudoun County School Board Meetings subsequent to June 22, 2021 on behalf of her child, who is enrolled in the Loudoun County Public Schools. As such, she has been denied certain rights and privileges conferred by Va. Code §§ 2.2-3700 *et seq.* due to the conduct of the Loudoun County

School Board in relation to their meetings August 10, 2021, September 14, 2021, September 28, 2021, October 12, 2021, October 26, 2021, and November 9, 2021.

3. Adam Rafalski is a citizen and taxpayer of Loudoun County, as well as a parent. Mr. Rafalski has been present and signed up to speak as a community member at Loudoun County School Board Meetings subsequent to June 22, 2021. As such, he has been denied certain rights and privileges conferred by Va. Code §§ 2.2-3700 *et seq.* due to the conduct of the Loudoun County School Board in relation to their meetings August 10, 2021, September 14, 2021, September 28, 2021, October 12, 2021, October 26, 2021, and November 9, 2021.

4. Dr. Scott Ziegler is the Superintendent of Loudoun County Public Schools.

5. In addition to Dr. Scott Ziegler, the Loudoun County Public School Board is a locally elected body that is prescribed the powers and duties afforded under Article VIII, Section 7 of the Constitution of Virginia and Title 22.1, Chapter 7 of the Code of Virginia, and is presently comprised of the following members: Denise Corbo, At-Large Member; Atoosa Reaser, Vice-Chair Algonkian District; Harris Mahedavi, Ashburn District; Ian Serotkin, Blue Ridge District; Leslie King, Broad Run District (now represented by Andrew Hoyler); John Beatty, Catoctin District; Jeff Morse, Dulles District; Beth Barts, Leesburg District (now represented by Tom Marshall) and Brenda Sheridan, Chair, Sterling District.

6. This claim arises under VFOIA, §§ 2.2-3700 *et seq.* of the Code of Virginia. Pursuant to §2.2-3713(A)(1) of this Act, the Loudoun Circuit Court has jurisdiction of this claim, as the Defendants comprise a local public body elected or appointed to serve in Loudoun County and Loudoun County is where Plaintiffs' rights and privileges were denied.

7. This Court has jurisdiction under Va. Code § 8.01-184 to make declaratory judgments.

III. STATEMENT OF FACTS

8. On June 22, 2021, Mrs. Clegg attended a public meeting set by the Defendant Loudoun County School Board (“the Defendant” or “the LCSB”), which was held in the School Board Meeting Room of the Loudoun County Public Schools Administration Building, located at 21000 Education Court, Ashburn, Virginia 20148.

9. The meeting was announced to the general public in advance of the meeting and included the time, place, and agenda of the public meeting.

10. The June 22, 2021 Loudoun County Public School Board meeting included approximately 400-500 citizens in attendance, with the Plaintiff, Mrs. Clegg, being among the attendees formally registered to provide public comment at the meeting; an estimated 258 other members of the public were also formally registered to speak at the June 22, 2021 meeting.

11. Due to the full capacity of the June 22, 2021 meeting, some Loudoun County citizens and members of the general public were turned away due to the lack of available seating. Mrs. Clegg was among those who arrived in time, as a registered speaker, to find a seat with her daughter in the main meeting room.

12. The School Board public meeting began at around 4:00 P.M. with the Call to Order, Pledge of Allegiance, Approval of Consent Agenda, and Student/Staff Recognitions. (See **Exhibit 1**, Basic Meeting Agenda)

13. After recognitions, Chairwoman Brenda Sheridan (“the Chair”) informed the public that the Board would hear public comments until 7:00 P.M., at which time they would stop for a scheduled closed session, at which time no public speakers would be heard, but after which the Loudoun County Public School Board planned to resume public comment for as long as necessary to hear from everyone who had signed up to speak.

14. The Chair requested that the public remain silent during the public comment time; the Chair further requested that members of the public in attendance show support for the community's speakers by waving hands, waving signs, or by standing and sitting in response.

15. The community members in attendance remained largely quiet during the Public Comment section of the June 22, 2021 School Board meeting, until a public speaker attacked and incited other members of the Loudoun County community by pronouncing that "hate that seems to be dripping off the followers of Jesus in this room, and from their kids in our schools." This attack catalyzed audible disapproval from members of the Loudoun County public in attendance.

16. After a series of visceral reactions to this comment from the public in attendance, the Chair announced that the School Board would take a five-minute recess from the public meeting, at which time all Defendant School Board members in attendance at the June 22, 2021 public meeting left the meeting room.

17. When the Defendant School Board members returned, the community members in attendance promptly returned to their seats and quieted to resume the Public Comments.

18. The Chair called the meeting back to order by stating: "I have an announcement for the room and they're going to reset the clock. The Board is here tonight to hear from everyone. We started our meeting early because we knew we would have a large crowd and we had a large agenda. We ask again that you respect each other, and everyone is allowed to speak and have their time. I will also announce at this time, that with unanimous consent of the Board, and based on legal advice, we will end public comment and move to the next agenda item if the room erupts again[.]"

19. Public comments resumed, and once again the public remained largely quiet in response to the Chair's request to not audibly voice approval or discontent to the public

comments of each of the speakers. On the few occasions when there was a verbal indication of approval from some attendees, each outburst of approval was met with collective and unanimous silencing and shushing from the public in attendance due to the Chair's remarks.

20. Once public comments resumed with the Chair's prefatory remarks, it continued for approximately 50 minutes until a small outburst prompted the Chair to issue one "last and final warning" to the community members in attendance; specifically, the Chair threatened to shut down public comments if all attendees did not remain silent.

21. One member of the community signed up to speak at the June 22, 2021 LCSB meeting was retired state senator Dick Black. Upon the completion of Senator Black's impassioned public comments to the School Board, a twenty (20) second reaction of approval from the crowd ensued; many members of the public stood up to indicate their approval to Senator Black's remarks, mirroring the Chair's suggestion at the meeting's beginning; however, in response to the community's reaction of approval to Senator Black's comments, the School Board conducted a vote to end the public comment portion of the June 22, 2021 School Board meeting, with the result of that vote being a unanimous 9-0 vote to end public comments.

22. The Board's decision to cancel further public comments based upon the twenty (20) second period of vocalized approval for Senator Black's comments denied roughly 200 community members and speakers their opportunity to bring the School Board's and the community's attention to their views, perspectives, and comments within the public forum, and in the presence of fellow Loudoun County citizens.

23. In response to the School Board's vote to end public comments, certain members of the crowd responded by chanting "shame on you," prompting the Board to call another recess and to leave the room. Following the chants, attendees sang the Star-Spangled Banner together.

24. After the departure of the Defendant School Board members, a member of the public, Mr. Jon Tigges, stood at the front of the room and suggested that the assembled community members continue to share their comments in the public forum, even if the elected members of the Loudoun County School Board refused to hear and remain present at the meeting.

25. The public responded positively and quickly formed an orderly queue to facilitate and preserve the ability for community members signed up to speak to do so, so as to provide their planned remarks to the public; one at a time, the members of the Loudoun County community that had been signed up to speak before the School Board stood at the front of the room to deliver their planned remarks, comments, and perspectives to the public forum.

26. Following the commencement of this system, speakers from the Loudoun County community took turns giving public comments for nearly 30 minutes; during this time, a member of the audience located a bullhorn and provided it for the speakers to use in the meeting room. At no point did any public speaker attempt to use the School Board's podiums or sound equipment previously set up in the meeting room, nor did anyone attempt to approach the dais.

27. While members of the public took turns speaking, Loudoun County School Superintendent Dr. Scott Ziegler ("Superintendent") was present at the dais, with numerous Loudoun County Sheriff's Office ("LCSO") deputies standing around him and the room. They observed the speakers and did not initially interfere or attempt to stop the speaking.

28. After approximately 20 to 30 minutes into the self-designed public comments session from the community, a man became engaged in an argument with another attendee near the side of the room, away from where most of the room was focused. As he began moving

closer to the person, an LCSO deputy attempted to pull him back. The man resisted the deputy, which caused other deputies to step in and take the man to the ground for an arrest.

29. As this altercation occurred, speakers continued to speak peacefully, as the crowd continued to listen and applaud.

30. Then, without any prior request or warning, the Superintendent spoke into his microphone at the dais and announced that the entire gathering was now deemed to be an unlawful assembly, and any member of the community who did not leave the room immediately would be subject to arrest for trespassing.

31. Initially, few people listened to this announcement, and those lined up to speak continued to do so peacefully.

32. Several minutes later, the Superintendent took to the microphone again, and repeated the same announcement and threat several times.

33. LCSO deputies also began moving throughout the room, from row to row, telling the public it was time to leave. Most members of the attending public complied with the LCSO deputies request and left the building.

34. A few people, including Mr. Tigges, stayed inside and communicated to the officers and the Superintendent that the order issued by the Superintendent violated their First Amendment rights to speak and peaceably assemble, and Mr. Tigges asserted that the Superintendent had no authority to declare the gathering an "unlawful assembly" without any such evidence or justification for that designation.

35. When asked directly by an LCSO deputy if he was refusing to leave, Mr. Tigges said "Yes, I am refusing to leave."

36. The LCSO deputies then arrested Mr. Tigges, prompting the remaining members of the public to leave the room.

37. At no time while the public was speaking during the recess did the Board members attempt to resume their meeting, give instructions to the attendees, or even re-enter the room.

38. Once all the members of the public were directed and escorted out of the building, the LCSO deputies locked the doors, precluding members of the public from re-entering the building or continuing the public forum.

39. After all the members of the public were removed from the room, personnel removed nearly all of the hundreds of chairs from the Board's meeting room that were used by the public to observe the meeting in person.

40. Many members of the public who had been in the meeting room remained outside on the lawn and in the parking lot of the Administration Building property.

41. At 6:30 P.M., almost an hour after closing public comments and after all the public was removed from the meeting room, the Board returned for the first time from its recess and immediately voted to go into executive session.

42. Almost three hours after ending public comment, the Board resumed the public meeting without members of the public present, and without inviting members of the public back into the public meeting room. No further opportunity was provided for any member of the community to be present for the initially public meeting.

43. Members of the public, including the Plaintiff, Megan Clegg, were never allowed back inside the building for the rest of the evening.

44. The Board and the Superintendent continued meeting for a total of five hours without the public allowed to be present or to participate, during which it made and voted on various motions and discussed agenda items on several controversial topics that had initially driven public interest and participation in attending the School Board meeting and participating in the public forum.

45. Since the June 22, 2021 meeting, the Defendants, namely the Superintendent and the School Board, have routinely denied the ability of the Plaintiffs, and the members of the Loudoun County at large, to be present in the School Board Meeting Room during the full public comment portion of the School Board's meetings, namely on or about August 10, 2021, September 14, 2021, September 28, 2021, October 12, 2021, October 26, 2021, and November 9, 2021. The Board now routinely only allows one member of the public at a time to be present in the large Meeting Room to speak for exactly one minute, and then they must leave. Thus, the Loudoun County School Board has continued to suffer a violation of their rights through at least November 9, 2021.

46. During the August 10, 2021 LCSB meeting, members of the public were forced to remain completely outside the building while only ten speakers at a time were allowed into the Administration building, and only one public speaker at a time was allowed in the large Meeting Room. During that time, a violent thunder and lightning storm occurred. Members of the public were not allowed in even to use the bathrooms.

47. At an LCSB meeting subsequent to the June 22 meeting, Mrs. Rafalski specifically challenged the School Board during her one-minute speaking opportunity in the School Board Meeting Room by asking the Chair why she was being forced to leave the room when the law states that the meeting must remain open to the public. As Mrs. Rafalski stood next

to the podium after her one-minute allotted time had expired, still waiting for the Chair to respond, a Loudoun County Public School security guard began to make his way toward Mrs. Rafalski, signaling that she would be removed from the room—at which time she left.

48. As a result of the Defendants' actions, Plaintiffs has been denied the rights and privileges conferred by VFOIA, §§ 2.2-3700 *et seq.*

IV. VIOLATIONS OF LAW

A. The Board Members Violated Va. Code § 2.2-3712, Relating to Closed Meetings of Public Bodies.

49. Plaintiffs re-allege and incorporate by reference all preceding paragraphs and attached affidavits of each Plaintiff.

50. According to Va. Code § 2.2-3701, a “‘Closed meeting’ means a meeting from which the public is excluded.”

51. Va. Code § 2.2-3712(A) provides, in relevant part: “No closed meeting shall be held unless the public body proposing to convene such meeting has taken an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in subsection A of § 2.2-3711 or other provision of law and (iii) cites the applicable exemption from open meeting requirements provided in subsection A of § 2.2-3711 or other provision of law.”

52. On June 22, 2021, the School Board conducted what amounted to an unlawful and unauthorized closed meeting during its recess, at which time it conspired, with the advice of counsel and outside of the presence of the public, to end public comments if the room “erupt[ed] again.” As noted, when the Chair returned from the Board’s first recess, she stated: “I will also announce at this time, that with unanimous consent of the Board, and based on legal advice, we will end public comment and move to the next agenda item if the room erupts again[.]”

53. In order for such a decision to have been made and discussed by the Board members during its recess, the Board would have had to comply with all three requirements set forth in § 2.2-3712(A), but it failed to comply with any such requirements.

54. The Board again unlawfully conducted an unauthorized closed meeting after it returned from its second recess on June 22, 2021, since it continued to meet and discuss agenda items for five hours without the public able to be present in the room. It did not follow any of the procedures required for closed meetings in § 2.2-3712(A). Further, the Superintendent attempted to characterize the ongoing public forum, in the absence of the School Board members, as an “unlawful assembly” to justify the School Board’s decision.

55. Since the June 22, 2021 meeting, the Defendants, namely the Superintendent and the School Board, have routinely denied the ability of the Plaintiffs, and the members of the Loudoun County at large, to attend and be present in the School Board Meeting Room during the full public comment portion of the School Board’s meetings, namely on or about August 10, 2021, September 14, 2021, September 28, 2021, October 12, 2021, October 26, 2021, and November 9, 2021. Thus, the Loudoun County School Board has continued to suffer a violation of their rights through at least November 9, 2021.

56. Further, on November 30, 2021, the School Board held a meeting in which it solely allowed people to provide comments by a lottery system, which was to only relate to a pre-ordained item on the School Board’s meeting agenda; such limited resumption of the public comment section of the School Board meetings constitutes an insufficient, impermissible, and equally violative measure. The capacity and limited speaking constraints continue to preclude the Plaintiffs, and the citizens and parents of Loudoun County, from meaningfully participating

in the School Board meetings, and particularly the forum provided by the public comments section of each School Board meeting.

57. No exclusions or exemptions within Chapter 37 (VFOIA) of Title 2.2 of the Code of Virginia applied to the Board to absolve it of these requirements and violations.

58. On the basis of the Chair's own admission, in the first instance, and on the basis of the numerous facts stated herein concerning the second instance, the School Board members willfully and knowingly violated subsection A of § 2.2-3712 at its June 22, 2021 meeting.

59. As a result of the Defendants' actions, Plaintiffs have been denied the rights and privileges conferred by VFOIA under § 2.2-3712.

B. The Board and Superintendent Violated Va. Code § 2.2-3707, Related to the Requirements for Open Meetings of Public Bodies.

60. Plaintiffs re-allege and incorporate by reference all preceding paragraphs and attached affidavits of each Plaintiff.

61. According to Va. Code § 2.2-3701, an "Open meeting" or "public meeting" means a meeting at which the public may be present."

62. Va. Code § 2.2-3707(A) states: "All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711." Neither § 2.2-3707.01 ("Meetings of the General Assembly") nor § 2.2-3711 (limited purpose exemptions) apply to the present circumstance regarding the School Board meetings in question.

63. Va. Code § 2.2-3707(G) states:
"Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No

public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.” (emphasis added).

64. As the facts indicate, the public was not allowed to be present for all of the School Board meeting (5 hours) on June 22, 2021, during which the Defendants discussed and made decisions on their agenda regarding critical, sensitive issues while Plaintiff Mrs. Clegg and the community was deprived of any opportunity to participate or be present after the School Board resumed its meeting.

65. At the abrupt conclusion to the June 22, 2021 public comments section of the meeting, the attending members of the community were ordered by the Superintendent to leave the meeting and the premises at the threat of being arrested— at least one person was in fact arrested— and they were then permanently locked out of the building. They were neither invited back in, nor were they given any opportunity to return to the meeting room once the Defendants resumed their meeting. Nearly all the chairs in the meeting room were removed in a symbolic gesture to demonstrate that members of the public could not inhabit the room.

66. The attending citizens of Loudoun County, Virginia, including the Plaintiff Megan Clegg, were also prevented from photographing, filming, recording, or otherwise reproducing a significant portion of the meeting required to be open.

67. Consequently, the Defendants willfully and knowingly violated subsections A and G of Virginia Code Ann. § 2.2-3707(A).

68. Defendant Superintendent had no legal basis for forcing the entire public out of the meeting, as the facts cannot support a definition of “unlawful assembly” as defined in Va. Code § 18.2-406. Defendant Superintendent admitted later that he did not intend the term “unlawful assembly” in the “legal sense.” The public gathering remained peaceful and orderly for its entire duration and did not obstruct any attempt by the Board to resume its meeting. The

Superintendent and LCSO deputies stood by and did not object to the gathering as it occurred peacefully for at least 30 minutes. At no time did the Superintendent provide any initial warning that the public assembly had become unlawful, nor did the Superintendent suggest at any time that if the registered speakers from the local community continued to speak and provide their planned public comments, the entire public forum would be declared an unlawful assembly. Further, the School Board and its attendant members met again to take up the items on their agenda hours later; by that time, the registered speakers and members of the public should have been allowed to return to the meeting while the School Board discussed the very contentious topics that the members of the public had gathered to listen to, consider, and provide public comments towards.

69. The mere fact that the School Board meeting eventually resumed via live-stream does not satisfy the statutory requirements of § 2.2-3707; the Defendant School Board resumed their meeting in person, and denied the right of the registered speakers and the attending public to meaningfully engage and participate in the same medium and forum that the School Board itself undertook. Specifically, VFOIA makes no provision for the qualification of an in-person meeting where the public can only access, attend, and participate electronically. Either an entire public meeting is to be held via electronic means under § 2.2-3708.2 due to emergency, or the public meeting is to take place in-person, with the public allowed to be present and participate.

70. Since the June 22, 2021 meeting, the Defendants, namely the Superintendent and the School Board, have routinely denied the ability of the Plaintiffs, and the members of the Loudoun County citizenry at large, to attend or be present in the School Board Meeting Room during the full public comment portion of the School Board's meetings, namely on or about August 10, 2021, September 14, 2021, September 28, 2021, October 12, 2021, October 26, 2021,

and November 9, 2021. Thus, the Plaintiffs have continued to suffer a violation of their rights due to the Loudoun County School Board's conduct through at least November 9, 2021.

71. Further, on November 30, 2021, the School Board held a meeting in which it allowed community members to provide comments, but those comments could only relate to pre-ordained items on the School Board's meeting agenda. Such limited resumption of the public comment section of the School Board meetings constitutes an insufficient, impermissible, and equally violative system. The capacity and limited speaking constraints continue to preclude the Plaintiffs, and the citizens and parents of Loudoun County, from meaningfully participating in the School Board meetings and addressing concerns, and particularly by way of the necessary forum of the public comments section of each School Board meeting.

72. As a result of the Defendants' actions, the Plaintiffs have been denied the rights and privileges conferred by VFOIA under § 2.2-3707, as well as Title 22.1, Chapter 7 of the Code of Virginia.

V. RELIEF REQUESTED

WHEREFORE, the Plaintiffs respectfully request that this Court enter an Order:

73. Declaring that Defendants violated Plaintiffs' rights protected under the Virginia Freedom of Information Act during its June 22 meeting and subsequent regular Board meetings;

74. Declaring that Defendant Superintendent's assertion that an unlawful assembly took place during the School Board's June 22 meeting was without merit and constituted an illegal abridgement of the rights of the Plaintiffs to peaceably assemble;

75. Declaring that the actions, decisions, and enforcement thereof made by the Defendants, to include the Superintendent and the School Board members, during the unlawful exclusion of the Plaintiffs and the public from access to public meetings, were violative of

VFOIA pursuant to Va. Code § 2.2-3707, as well as Title 22.1, Chapter 7 of the Code of Virginia and are hereby void and of no effect;

76. Enjoining the Board from taking any further similar actions pursuant to decisions unlawfully made at the June 22, 2021 Loudoun County School Board and subsequent meetings, namely on or about August 10, 2021, September 14, 2021, September 28, 2021, October 12, 2021, October 26, 2021, and November 9, 2021;

77. Enjoining the Board and Superintendent from excluding the public from any portion of its future public meetings, taking into account reasonable capacity limitations.

78. Imposing a civil penalty, pursuant to § 2.2-3714, of between \$500 and \$2,000 upon each Defendant for VFOIA violations “willfully and knowingly made;”

79. Awarding, pursuant to § 2.2-3713, Plaintiffs’ costs and attorneys’ fees; and

80. Awarding such other relief as the nature of the cause, or the goals of justice and equity may require.

Respectfully submitted,
MEGAN CLEGG
MEGAN RAFALSKI
ADAM RAFALSKI
By Counsel

Megan Clegg
MEGAN CLEGG

COMMONWEALTH OF VIRGINIA

COUNTY OF LOUDOUN:

SUBSCRIBED and sworn to before me by MEGAN CLEGG on this 4th day of
January, 2022.

Melissa Iris Castro
Notary Public

MELISSA IRIS CASTRO
NOTARY PUBLIC
REGISTRATION # 7041190
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
NOVEMBER 30, 2022

My Commission expires: 11.30.2022

Megan Rafalski
MEGAN RAFALSKI

COMMONWEALTH OF VIRGINIA

COUNTY OF LOUDOUN:

SUBSCRIBED and sworn to before me by MEGAN RAFALSKI on this 4th day of
January, 2022.

Melissa Iris Castro
Notary Public

MELISSA IRIS CASTRO
NOTARY PUBLIC
REGISTRATION # 7041190
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
NOVEMBER 30, 2022

My Commission expires: 11.30.2022

Adam Rafalski
ADAM RAFALSKI

COMMONWEALTH OF VIRGINIA

COUNTY OF LOUDOUN:

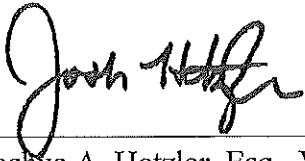
SUBSCRIBED and sworn to before me by ADAM RAFALSKI on this 4th day of
January, 2022.

Melissa Iris Castro
Notary Public

MELISSA IRIS CASTRO
NOTARY PUBLIC
REGISTRATION # 7041190
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
NOVEMBER 30, 2022

My Commission expires: 11.30.2022

Dated this 7th Day of January, 2022.



Joshua A. Hetzler, Esq., VSB No. 89247

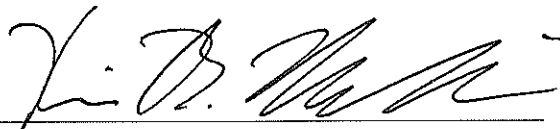
Legal Counsel

Founding Freedoms Law Center

Telephone: (804) 801-6707

E-mail: josh@foundingfreedomslaw.org

Co-Counsel for the Plaintiffs



Kevin B. McCandlish, VSB No. 96266

WhitbeckBennett, PLLC

120 Edwards Ferry Road, NE

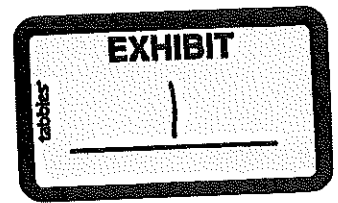
Leesburg, Virginia 20176

Telephone: (703) 777-1795

Facsimile: (703) 777-9079

Email: kmccandlish@wblaws.com

Co-Counsel for the Plaintiffs



**Tuesday, June 22, 2021
4th Tuesday School Board Meeting 4:00 p.m.**

Loudoun County Public Schools, Administration Building, 21000 Education Court, Ashburn, Virginia 20148.

The public may access the meeting by viewing the live-streamed video via the LCPS website or by viewing it in real time on Comcast channel 18 or Verizon FIOS channel 43.

1. Call to Order and Remote Participation 4:06 p.m. - All board members were present.

1.01 Remote Participation

2. Pledge of Allegiance - Braden King led the Pledge of Allegiance.

3. Approval of Consent Agenda

3.01 Minutes of the May 25, 2021, 4th Tuesday School Board Meeting (Virtual)

3.02 Minutes of the June 1, 2021, School Board Work Session Regarding Equity and Closed Session

3.03 Licensed Personnel Action

3.04 Classified Personnel Action

3.05 HRTD Committee: Policy 7040, School Calendar

3.06 Department of Instruction: Loudoun County Public Schools (LCPS) 2020-2021 Head Start Annual Training and Report and PY29 Grant Application and Budget for Funding Period December 1, 2021 to November 30, 2022

3.07 Department of Instruction: Annual Elementary and Secondary Education Act (ESEA) Grant, as Amended by the Every Student Succeeds Act of 2015 (ESSA) P.L. 114-95

3.08 Finance and Operations Committee: IFB #I21331, Milk and Related Items

3.09 Finance and Operations Committee: IFB #I17144, Food and Supplies, Renewal

3.10 Finance and Operations Committee: IFB #I18147, Ice Cream, Renewal

3.11 Finance and Operations Committee: IFB #I18148, Beverages, Renewal

3.12 Finance and Operations Committee: IFB #I18182, Fresh Produce, Renewal

3.13 Finance and Operations Committee: RFP #R17120, Chiller Preventive Maintenance and Repair Services, Renewal

3.14 Finance and Operations Committee: RFP #R16095, Fuel Services, Renewal

3.15 Finance and Operations Committee: RFP #R15091, Property and Casualty Insurance Program, Renewal

3.16 Finance and Operations Committee: RFP #R21270, Business Software Solution for School Nutrition

3.17 Finance and Operations Committee: RFP #R21273, Lease/Purchase Financing of Vehicles and Equipment

3.18 Finance and Operations Committee: RFP #R21271, Transportation Management System

- 3.19 Finance & Operations Committee: VA Department of Environmental Quality (DEQ) Clean School Bus Grant Program
- 3.20 Finance and Operations Committee: Revision of Policy 4120, Management of Funds
- 3.21 Legislative and Policy Committee: Revision of Policy 2440, Order of Business, Quorum, Rules, Voting
- 3.22 Specialized Programs and Centers Committee: Approval of SY2021-2022 Calendars for Middleburg Community Charter School (MCCS) and Hillsboro Charter Academy (HCA)

4. Student/Staff Recognitions

- 4.01 Loudoun County Public Library and Loudoun Literacy Council Partnership
- 4.02 Going Above and Beyond the Call of Duty

5. Public Comment

- 5.01 Procedures for Public Comment

6. Closed Meeting - TIME CERTAIN TO START AT 7:00 P.M.

- 6.01 Motion to Convene Closed Meeting
- 6.02 Motion to Adjourn Closed Meeting
- 6.03 Motion to Certify Closed Meeting
- 6.04 Motion Required by Closed Meeting

7. Superintendent's Report

- 7.01 Superintendent's Report

8. Action Items

- 8.01 Support Services: Fall 2021 School Board Meeting Calendar for an Elementary School Attendance Zone Change Process and Fiscal Year 2023 Capital Budgets
- 8.02 Support Services: School Resource Officer Memorandum of Understanding (SRO MOU)

9. Information Items

- 9.01 Office of the Superintendent: Superintendent's Operational Update
- 9.02 Joint Board of Supervisors and School Board Committee: Advisory Commission on Youth Report
- 9.03 Legislative and Policy Committee: Revision of Policy 2420, Meeting Procedures
- 9.04 Support Services: Privacy and Restroom Accommodations
- 9.05 Pupil Services Committee: Adoption of Policy 8040, Rights of Transgender and Gender-Expansive Students
- 9.06 Finance and Operations Committee: Loudoun County Fiscal Impact Committee Representation from Loudoun County Public Schools
- 9.07 Finance and Operations Committee: Town of Round Hill Annexation Proposal of Round Hill Center Site
- 9.08 Specialized Programs and Centers Committee: Adoption of Policy 5120, Alternative Education Programs (Formerly Policy 5-18, Alternative Education) and Deletion of Policy 5-18
- 9.09 Joint Board of Supervisors and School Board Committee: Potential Use of Loudoun County Public School (LCPS) Exterior Tennis Courts for Pickle Ball

10. Board Members' Comments and Committee Reports (5 minutes each)

- 10.01 Board Members' Comments and Committee Reports (5 minutes each)

11. New Business - No new business was introduced.

12. Adjournment 11:30 p.m.
