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SCOTT COUNTY SCHOOL BOARD
MINUTES OF SPECIAL MEETING
TUESDAY, APRIL 29, 2014

The Scott County School Board met in a Special Meeting on Tuesday, April 29, 2014, in the Scott County School Board Office Conference Room in Gate City, Virginia.

OTHERS PRESENT: John I. Ferguson, Superintendent; Will Sturgill, School Board Attorney; Jason Smith, Supervisor of Personnel and Student Services; Loretta Q. Page, Clerk Of The Board/Budget Specialist/Head Start Payroll & Invoice Clerk; K.C. Linkous, Deputy Clerk Of The Board/Human Resource Manager; Renee Dishner, Shoemaker Elementary School Principal; Jon Conklin, teacher; Ramona Russell, Duffield Primary School Teaching Assistant; Doris Boitnot, VEA/NEA Cumberland Mountain UniServ District 1 Director; Shirley Kilgore, Attorney; Diane Stewart, Court Reporter; Kelvin Kimbler, School Resource Officer; and John "Jack" Hamilton, citizen.

CALL TO ORDER/MOMENT OF SILENCE/*PLEDGE OF ALLEGIANCE*: Chairman Quillen called the meeting to order at 6:32 p.m. and presided. The audience observed a moment of silence and Mr. McConnell led in citing the *Pledge of Allegiance.*

Chairman Quillen asked Mrs. Loretta Page, Clerk, to call the roll to determine if a quorum was present. Mrs. Page called the roll and a quorum was established since all members (William "Bill" R. Quillen, Jr., L. Stephen "Steve" Sallee, Jr., James Kay Jessee, Jeffrey "Jeff" A. Kegley, Gail L. McConnell, and Herman "Kelly" Spivey, Jr.) were present.

APPROVAL OF AGENDA: There being no changes to the agenda, Mr. Kegley made a motion to approve the agenda as submitted and motion was seconded by Mr. Sallee, all members voting aye.

ADOPTION OF RULES OF CONDUCT FOR GRIEVANCE HEARING: Chairman Quillen asked for any discussion in regard to the Rules of Conduct; and, there being none, he asked for a motion to approve the Rules of conduct for Grievance Hearing. On a motion by Mr. Jessee, seconded by Mr. Salle, all members voting aye, the Board approved the adoption of the Rules of Conduct for Grievance Hearing as follows:

RULES OF CONDUCT

1. The "Procedure For Adjusting Grievances" as promulgated in the Virginia Department of Education pursuant to Va. Code Section 22.1-308 shall apply.
2. The Chairman of the School Board shall chair the hearing.
3. The teacher and the division superintendent may be represented by legal counsel or other representatives. The hearing before the school board shall be private, unless the teacher requests a public hearing.
4. The Chairman shall open the hearing by inquiring of the division superintendent and teacher or their representatives if they have any issues to raise as to whether the substantial procedural requirements of Part III of the "Procedure For Adjusting Grievances" have been complied with. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievance to proceed.
5. The School Board shall ask for opening statements from the division superintendent and teacher or their representatives involved at the beginning of the hearing and at the discretion of the school board may allow closing statements by the parties.
6. The parties shall then present their claims in evidence. Witnesses may be questioned by the superintendent and the teacher or their representatives. The school board shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination of witnesses. Witnesses may also be questioned by the school board.
7. The parties shall produce such additional evidence as the school board may deem necessary to its understanding and determination of the matter. The school board shall be the judge of relevancy and

materiality of the evidence offered. All evidence shall be taken in the presence of the school board and the parties.

8. Exhibits and documents offered by the division superintendent or teacher may be received in evidence by the school board and, when so received, shall be marked and made a part of the record.

9. The decision of the school board shall be based on the transcript, the findings of the fact, and any evidence relevant to the issues of the original grievance produced at the school board hearing in the presence of each party.

10. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

11. A record or recording of any hearing conducted pursuant to this section shall be made. The parties shall share the cost of the recording equally. In cases of dismissal, the record or recording shall be preserved for a period of six months. If the school board requests that a transcript be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the cost of the transcription.

12. The school board may dismiss or suspend a teacher upon a majority vote of a quorum of the school board, but such vote must be made in open session.

13. The school board may, in its discretion, hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing, or hold a separate hearing for each action.

14. The school board shall give the teacher its written decision as soon as practicable and no more than 30 days after the completion of the hearing before the school board.

15. The school board's attorney, assistants, or representatives, if he, she, or they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of VA. Code 22.1-69, the superintendent shall be excluded from any executive sessions of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in writing of the decision.

Chairman Quillen asked Ms. Kilgore, attorney, if she wished for the hearing to be public or private. Ms. Kilgore requested a private hearing.

CLOSED SESSION: Mr. Sallee made a motion to enter into closed meeting at 6:34 p.m. to hold and make a determination regarding Employee Grievance Case No. 2013-14-01 as provided in Section 2.2-3711A(1) Code of Virginia, as amended; motion was seconded by Mr. Kegley, all members voting aye.

RETURN FROM CLOSED SESSION: All members returned from closed meeting at 10:09 p.m. and on a motion by Mr. Sallee, seconded by Mr. Kegley, the Board returned to regular session and Mr. Sallee cited the following certification of the closed meeting:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Scott County School Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires certification by this Scott County School Board that such meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Scott County School Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Scott County School Board in the closed meeting.

ROLL CALL VOTE

Ayes: James K. Jessee, Jeff Kegley, Gail McConnell, Bill Quillen, Steve Sallee, Kelly Spivey

Nays: None ABSENT DURING VOTE: None ABSENT DURING MEETING: None

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ACTION TAKEN AS A RESULT OF CLOSED SESSION: Mr. Sallee made a motion that the Board accept the recommendation for dismissal from the Superintendent; motion was seconded by Mr. Kegley, all members voting aye.

CLOSED SESSION: Mr. Sallee made a motion to enter into closed meeting at 10:11 p.m. to discuss writing a decision regarding Employee Grievance Case No. 2013-14-01 as provided in Section 2.2-3711A(1) Code of Virginia, as amended; motion was seconded by Mr. Kegley, all members voting aye.

RETURN FROM CLOSED SESSION: All members returned from closed meeting at 10:20 p.m. and on a motion by Mr. Sallee, seconded by Mr. Kegley, the Board returned to regular session and Mr. Sallee cited the following certification of the closed meeting:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Scott County School Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires certification by this Scott County School Board that such meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Scott County School Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Scott County School Board in the closed meeting.

ROLL CALL VOTE

Ayes: James K. Jessee, Jeff Kegley, Gail McConnell, Bill Quillen, Steve Sallee, Kelly Spivey

Nays: None ABSENT DURING VOTE: None ABSENT DURING MEETING: None

ACTION TAKEN AS A RESULT OF CLOSED SESSION: Mr. Jessee made a motion that the Board continue discussion of their final written opinion at the May meeting, one week from tonight; motion was seconded by Mr. Sallee. Chairman Quillen stated that there is a motion and a second to continue the writings of the Board's decision and asked for a vote. All members voted aye.

ADJOURNMENT: On a motion by Mr. Jessee, seconded by Mr. Sallee, all members voting aye, the Board adjourned at 10:22 p.m. The next regular meeting is to be held on Tuesday, May 6, 2014, at 6:30 p.m. at the Scott County Career & Technical Center Auditorium.

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William "Bill" R. Quillen, Jr., Chairman

Loretta Q. Page, Clerk