

**SCOTT COUNTY SCHOOL BOARD  
MINUTES OF SPECIAL MEETING  
THURSDAY, JUNE 26, 2014**

The Scott County School Board met in a Special Meeting on Thursday, June 26, 2014, in the Scott County School Board Office Conference Room in Gate City, Virginia.

**PRESENT:** William R. Quillen, Jr., Chairman  
L. Stephen Sallee, Jr., Vice Chairman  
James Kay Jessee  
Jeffrey A. Kegley  
Gail L. McConnell (arrived at 6:07 p.m.)  
H. Kelley Spivey, Jr.

**ABSENT:** None

**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; Suzanne Goins, Virginia Professional Educators Representative; John "Jack" Hamilton, Neal Baker, Nancy Godsey, Citizens; Reba Kindle, Shoemaker Elementary School Teacher; Lisa Bevins, Gate City Middle School Teacher; Ramona Russell, Duffield Primary School Teaching Assistant; Kathy Hensley, Duffield Primary School Cafeteria Employee; Daniel Barnette, Scott County Virginia Star Reporter.

**CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE:** Chairman Quillen called the meeting to order at 5:30 p.m. and presided. The audience observed a moment of silence and Mr. Jessee led in citing the *Pledge of Allegiance*.

**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. Chairman Quillen expressed thanks to the members of the audience for their attendance and interest in the school system.

**CLOSED SESSION:** Mr. Sallee made a motion to enter into closed meeting at 5:32 p.m. to discuss teachers, teaching assistants, nurses, secretaries, custodians, bus drivers, maintenance staff, cafeteria staff and central office staff as provided in Section 2.2-3711A(1) Code of Virginia, as amended; motion was seconded by Mr. Kegley, all members voting aye. Mr. McConnell arrived at 6:07 p.m.

**RETURN FROM CLOSED SESSION:** All members returned from closed meeting at 6:15 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*

**APPROVAL OF REVISED SCHOOL BUDGET FOR 2014-15 SCHOOL YEAR:** Superintendent Ferguson reported that the General Assembly passed a budget on June 18<sup>th</sup> and that the figures were more reflective of the House projection than along the lines of the Senate projection; which, in turn, provides less money based on that action. He reported that a step, for those eligible, will be all that can be given. He also reported that the projected budget that was previously approved included a step and a one percent salary increase but he explained that due to the action regarding state funding the one percent salary increase for employees cannot be done for the 2014-15 school year.

On the recommendation of Superintendent Ferguson and on a motion by Mr. Kegley, seconded by Mr. Sallee, all members voting aye, the Board approved the revised 2014-15 School Budget as presented. **(See Appendix A)**

**APPROVAL OF REVISED CAFETERIA BUDGET FOR 2014-15 SCHOOL YEAR:** Superintendent Ferguson reported that the Cafeteria Fund is a separate fund and explained that the bills and employee salaries are paid from that fund from food sales and that the fund is self-sustaining. He also reported that the previous projected 2014-15 Cafeteria Budget had included the step and a one percent increase but stated that the revised 2014-15 Cafeteria Fund Budget is like the School Operating Budget in that the budget includes a step increase for those eligible in order to keep salaries the same across the board.

On the recommendation of Superintendent Ferguson and on a motion by Mr. Jessee, seconded by Mr. Sallee, all members voting aye, the Board approved the revised 2014-15 Cafeteria Budget as presented **(See Appendix B)**

**APPROVAL OF SALARY SCALES FOR 2014-15 SCHOOL YEAR:** On the recommendation of Superintendent Ferguson and on a motion by Mr. McConnell, seconded by Mr. Spivey, all members voting aye, the Board approved the salary scales for 2014-15 as presented. **(See Appendix C)**

**APPROVAL OF EMPLOYMENT OF NON-TENURED TEACHERS FOR 2014-15 SCHOOL YEAR:** On the recommendation of Superintendent Ferguson and on a motion by Mr. Kegley, seconded by Mr. Sallee, all members voting aye, the Board approved the employment of non-tenured teachers for the 2014-15 school year as presented: **NON-TENURED TEACHERS (EXPERIENCE AS OF JUNE 30, 2014)**

3	Burke, Rachel
3	Carpenter, Ryan
3	Cassell, Derek
3	Castle, Joshua
3	Bevins, Cassandra Dowdy
3	Johnson, Amanda
3	Lawson, Shauna
3	Rhoton, Amanda
3	Robertson, Benjamin
3	Sanders, Megan
3	Warner, Keith
2	Baker, Beth
2	Parker, Annette
1	Egan, Whitney
1	Fansler, Jared
1	Fritz, Annie
1	Richardson, Kristi
1	Smith, Tabitha
1	Templeton, Kayla
0	Berry, Maggie
0	Dean, Amy
0	Horn, Lauren
0	Peterson, Heather

**APPROVAL OF CLASSIFIED PERSONNEL FOR 2014-15 SCHOOL YEAR:** On the recommendation of Superintendent Ferguson and on a motion by Mr. Jessee, seconded by Mr. Sallee, all members voting aye, the Board approved the employment of classified personnel as presented:

#### **Teaching Assistants**

Jeannie Callaway	Ruth Potts
Tammie Dixon	Francina Lynn Bishop
Phyllis Bellamy	Jana Bright
Jennifer Evans	Wilma Cox
Dorothy Grinsell	Gena Quillen
Ramona Russell	Lisa F. Bishop
Donna Sanders	Nikki Gardner
Carolyn Howington	Tina Williams
Kathy Hensley	Karen Jennings
Jane Templeton	Christy Billips
Joanna Edens	Kevin Warner
Teresa Williams	Katie Warner
Christy Bradshaw	Brenda Gilliam
Amanda Mullins	Jenny Page
Melissa Robinson	Brittany Peterson
Laura Williams	Tana Broadwater
Karianne Counts	Christy Gardner

#### **Technology Department**

Debby Brickey	Patrick Johnson
Information Management Systems and Technology Coordinator	Technology Support Specialist
Adam Tipton	Joey Kilbourne
Technology Support Specialist	Technology Support Specialist

#### **Central Office**

Loretta Page	Anita Howell
Budget Specialist and Clerk of the Board and Head Start Payroll & Invoice Clerk	Administrative Assistant to Special Education Supervisor
Karen (K.C.) Linkous	Beverly Stidham
Human Resource Manager and Deputy Clerk of the Board	Accounts Payable and Purchasing Specialist
Vickie Lane	Angie Johnson
Administrative Assistant to the Superintendent	Food Service and Child Nutrition Specialist

#### **Transportation Secretary**

Sharon Holland

#### **Medicaid Specialist**

Angie Vermillion

#### **School Nurses**

Courtney Bolling	Tabbitha Bledsoe
Lisa Castle	Yvonne Edwards
Tammy Farmer	Stephanie Penley
Kristie Qualls	Farrah Lane
Michelle Basham	Karen Dunlap

**Occupational/Physical Therapists**

Emily Prater	Rebecca Hillman	Kimberly Price (PT)
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**School Secretaries**

Susan Carter	Sheila Nash
Patricia Sampson	Barbara Baker
Teresa Shupe	Sherry Bridwell
Pam Flanary	Tracy Ferguson
Robin Hall	Kristie Rusek
Jenny Jordan	Carla Carter
Sherri Christian	Norma Casteel
Lana Culbertson	Sheila Mays
Rebecca Statzer	Karen Blanton
Jennifer Houseright	Jackie Willis
Robin Bond	Patricia Nash

**Custodians**

Bobby Collins	Thomas Dooley
Larry France	Cathy Criswell
Vernon Free	Dexter Harmon
Peggy Cruby	Greg Hill
David Kinhead	Kenneth Lane
Ralph Lyons	Susan Looney
David Tipton	Rebecca Powers
Jeff Napier	Diane Martin
Brenda Richardson	Penny Osborne
Debra K. Brown	Gaye Sanders
Stanley Sluss	Rhonda Franklin
Paula Gilliam	David Williams
Melissa Williams	Jeff Lawson
Scottie Williams	Phyllis Payne
Teresa France	Donald Lane
Rodney Darnell	Connie Edwards
Pam Sivert	Larry Vermillion
Randy Ward	Helen Jackson
(bus driver) Ashley Justice – Part Time	Brian Lawson
Oakley Hartsock	Nathaniel Akers – Part Time
Ronald Laney	

**Transportation Coordinator - Gary Adams****Mechanics**

Billy Addington	Tim Edwards
Phillip Quillen	Hollis Dean Anderson

**Maintenance Secretary - Kim Henderson****Maintenance**

Larry Darrell McConnell	Billy Nash
Tommy Payne	Steve Lane
Paul Boggs	Richard Howell
William Pippin	Roger Sampson
Jamie Blanton	Gary McDavid
Randall Laney	

**Bus Drivers (Pending Physical)**

William Don Akers	Tim Benton
Deborah Bledsoe	Charles Blessing
Charles Fugate	Paula Gilliam
Melinda Brickey	Cathy Dooley
Allen Godsey	Charlie B. Gray
Greg Marshall	Dexter Harmon
Hazel Hass	Garry Hood
Donna Hass	Judy Johnson Fritz
Ashley Justice	Grover Kegley, Jr.
David Kinhead	Valerie Lane
Shirley Marshall	Lisa Anderson
Linda Cantrell	Nancy McDavid
Odene Nash	Kevin Moore
G. E. Nash	Anthony Odle
Billy Odle	Carlene Cross
Donald Salyer	Lee Roy Sanders
Eva J. Shelton	Kenneth Sluss
Charles O. Taylor	Charlie R. Taylor
Deborah Taylor	Tammy Bledsoe
Doris Tipton	Nadine Vermillion
Roy Dwayne Williams	Billy Flanary
Ralph Lyons	Jonathan Pierson
Aaron Tipton	Donna Hood
Robert Edward Musick	Connie Dockery
Thomas Dooley	

**Cafeteria Personnel**

Lisa Bishop	Tamara Berry
Jackie Taylor	Joyce Austin
Brenda Rhoton	Vickie Kern
Deborah Bennett	Deborah Osborne
Margaret Hass	Heather McComas
Barbara Percy	Margaret Jessee
Michelle White	Sharon Culbertson
Carolyn Meade	Linda Dockery
Carolyn Kern	Teresa Lane
Cynthia Carter	Brenda Bishop
Anna Griffin Palmer	Jennifer Pennington
Jessica Howell	Patricia Robertson
Amy Shaffer	Betty Castle
Sharon Vermillion	Carla Gardner
Kathy Penley	Judy Spears
Lisa Diana Crabtree	Debra Fletcher
Judy Porter	Kathy Starnes
Shelsie Shipp (PT)	

**APPROVAL OF SCOTT COUNTY PUBLIC SCHOOLS RANDOM ALCOHOL AND DRUG TESTING REGULATIONS FOR STUDENTS INVOLVED WITH COMPETITIVE EXTRA-CURRICULAR ACTIVITIES PLEDGE PROGRAM:** Mr. Jason Smith, Supervisor of Personnel and Student Services, reported that it was discussed at the last meeting that the Drug Testing of Student Athletes (Pledge Program) would be submitted for approval at this meeting after further review, revisions and updates and explained that those have been done and the program is now being submitted for approval as presented.

Mr. William Sturgill, School Board Attorney, stated that he has reviewed the policy and the wording looks appropriate.

Mr. Smith reported that he is working with the athletic directors and secondary principals to provide training and traveling to the schools to provide information to the parents and public. He also reported that information will be provided to the public on the website and made available to the parents and public for those not having internet access. He stated he plans to keep the Board updated. Mr. Smith provided an opportunity to answer any questions that the Board might have but none were presented.

On the recommendation of Mr. Smith and on a motion by Mr. Spivey, seconded by Mr. Kegley, all members voting aye, the Board approved the **Scott County Public Schools Random Alcohol and Drug Testing Regulations for Students Involved with Competitive Extra-curricular Activities Pledge Program** as presented:

*Scott County Public Schools  
Random Alcohol and Drug Testing Regulations for Students  
Involved with Competitive Extra-curricular Activities  
Pledge Program*

**Background and Justification**

- *Over the last several decades, there have been many initiatives and programs to educate our youth on the dangers of alcohol and unauthorized drugs. Examples of these programs are Drug Awareness and Resistance Education, Drug-Free Schools initiative, Mothers Against Drunk Drivers, Students Against Drunk Drivers, Project Prom, and various health education curricula.*
- *One particular initiative that many Virginia public school divisions have implemented has been directed at athletics and other extra-curricular activities. This initiative is a randomized drug testing of students involved in extra-curricular activities.*
- *During the past three years, there have been 53 students disciplined for drug or alcohol related incidents in Scott County Schools. While the number of overall incidents has been consistently the same over the past three years, during the 2013-2014 school year, the number of student athletes involved with drug and alcohol related incidents drastically increased.*
- *With this background and justification, The Scott County Public School's Pledge Program is based on the following facts:*
  - *Student participation in extra-curricular activities is voluntary. Students who choose to participate do so with the understanding that their participation is a privilege based on their adherence to high moral, ethical, and academic standards.*
  - *Medical studies have established that drug use affects motor skills, learning, memory retention, reasoning ability and coordination.*
  - *Except in extreme cases, drug use is difficult for laymen, or even physicians, to detect by casual observation.*

- *No safe level of drug use has been established. Any measurable amount of a mind-altering drug or alcohol in a person's body can cause some degree of impairment, even if that impairment is not readily apparent to the layman.*
- *The use of alcohol is illegal for anyone under the age of 21. All forms of drug use without a prescription are illegal.*

#### **Purpose and Intent**

- *For Scott County Public Schools to detect and prevent drug use among its students, to provide assistance to students with drug problems, and to give students additional reasons for declining to use drugs.*
- *Participation in extra-curricular activities is a privilege, not a right, for students in Scott County Public Schools. Consent to drug testing is a mandatory prerequisite for any student to participate in a VHSL sanctioned extracurricular activity.*

#### **Testing Coordinator**

- *The Supervisor of Personnel and Student Services will coordinate and supervise the testing program.*

#### **Eligibility for Testing**

- *Scott County Public Schools students in grades 8-12 who choose to participate in VHSL-sanctioned extra-curricular activities not required by the Board of Education for graduation will be required to participate in the random testing program for alcohol, illegal drugs, or unauthorized drugs in order to participate in their chosen activity.*
- *Students become eligible upon submission of a consent form. Students must submit a consent form immediately following the Student Pledge Program Parent/Guardian Meeting for their season or before their next practice following the Pledge Program Meeting.*
- *Students remain eligible for random alcohol and drug testing from the date the consent form is turned in through the end of their sport or extra-curricular activity season. In the event that a student eligible for random alcohol and drug testing ceases to participate or withdraws from an athletic team or extra-curricular activity, he or she will no longer be subject to random drug and alcohol testing associated with this program.*

#### **For what Substances will Students be Tested?**

- *In administering the program, the division will test for the presence of certain substances that may include, but are not limited to, the following substances or*

*their metabolites: alcohol, marijuana (THC), synthetic cannabinoids, opiates, cocaine, methamphetamines, anabolic steroids and phencyclidine (aka PCP), MDMA (aka Ecstasy), and/or any other substance defined as a “controlled substance” by either Virginia or Federal law.*

#### **Selection of Students for Random Testing**

- *A confidential testing schedule will be created by the Program Coordinator to ensure that testing of eligible students is conducted in a manner that is random.*
- *Testing will only occur on student contact days during each sport or extracurricular activities’ designated season.*
- *Selection of eligible students for testing will be conducted in a purely and entirely random basis by a third party vendor selected by Scott County Public Schools to administer the Random Alcohol and Drug Testing Program.*
- *A separate group of students will be selected by sport or activity and designated as alternates to be used in the event of student absence.*
- *The Program Coordinator/designee will notify the individual(s) selected for testing and a designee will escort them to the designated location for testing.*
- *The testing site will be at the participant’s respective school in an area that has a secured bathroom/nurse’s office which will maximize privacy of the participant or in the office of an approved collection agency contracted by the school division to collect and test oral fluid and/or urine samples.*
- *The names and/or any other personally identifiable information of the participants will remain confidential.*
- *Participants are encouraged to protect their own confidentiality.*

#### **Suspicion Based Testing**

- *In the event that a coach or sponsor observes that a member of a team or extracurricular activity is demonstrating symptoms that cause reasonable suspicion that the member is under the influence of alcohol or drugs, during school or a school-sponsored activity, the coach or sponsor shall follow School Board Regulation JFCF.*
- *In the event that a coach or sponsor receives reports that a member of a team or extracurricular activity has been using alcohol or drugs outside of school or school-sponsored activities, then the Pledge Program Committee will meet with the player to further investigate the suspected use. If the committee believes there is reasonable suspicion of the use of alcohol or drugs, the Program Coordinator will contact the student’s parent/guardian(s) to inform them that the student will be required to submit to an alcohol and drug screen which will be administered according to the procedures outlined below.*



### **Test Administration**

- *All aspects of the program, including the taking of specimens, will be conducted so as to safeguard the personal and/or privacy rights of the participant to the maximum extent possible. The program treats a participant's test result as a confidential health record pursuant to both federal and state regulations 42C.F.R. 2.1 and 2.2; VA Code § 32.1-126.1:03. As such, any information obtained by the program which would identify the participant as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations in accordance with 42C.F.R. – Part II. No testing record of any participant will be used to initiate or substantiate any criminal charges against a participant or to conduct any investigation of him or her, and the division will not share participants' individual test results with law enforcement authorities unless legally required by court order or subpoena.*
- *The Program Coordinator/designee will coordinate the collection of specimens from the selected students in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards and forward the specimens to a licensed laboratory for testing. The Supervisor of Personnel and Student Services/designee may conduct an initial on-site test on the specimen before sending the specimen to the laboratory.*
- *The participant shall complete a specimen control form.*
- *The participant shall submit an oral fluid or urine specimen according the Scott County Public Schools School Division's Random Testing for Illegal/ Unauthorized Drugs and Alcohol Consent to Test Form.*
- *All students selected for testing must remain at the testing site under the direct supervision of the Athletic Director/designee until he/she can produce an adequate specimen for testing.*
- *Any attempt by a participant to tamper with the specimen collection process or refusal by the participant to provide a sample, will be treated as a resignation from all extracurricular activities for a period 365 days except in cases where a positive sample would constitute a 3<sup>rd</sup> violation. In such cases, the student will be banned from any further participation for the remainder of his/her enrollment in the Scott County Public Schools School Division.*
- *All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.*

- *Specimens that test positive for the presence of alcohol, illegal drugs, or unauthorized drugs or their metabolites will be kept by the testing facility for at least one hundred eighty (180) days pending an appeal of the test result.*

#### **Notification of Testing & Testing Results**

- *Students who choose to participate in division athletic programs, VHSL-sponsored activities, and/or competitive extra-curricular activities, not required by the Board for graduation, are required to complete and sign the Scott County Public Schools School Division's Random Testing for Illegal Drugs/Unauthorized Drugs and Alcohol Consent to Test Form.*
- *When a participant tests positive for an alcohol, illegal drugs, or unauthorized drugs, the participant's parent/guardian(s) will be contacted directly by a Medical Review Officer (MRO) to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a positive test. Parent/guardian(s) will have 5 business days to provide documentation of a legal prescription that may have caused the positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.*
- *Results of student tests confirmed by the MRO will be provided to the Program Coordinator within twenty-four (24) hours of the MRO's consultation with the participant and his or her parent/guardian(s).*
- *The division respects the privacy of its students and shall maintain confidentiality regarding any alcohol and drug testing for this program. The results will only be released to designated division personnel. All records and subsequent actions shall be kept by the Program Coordinator in a file separate from the student's school records. The Program Coordinator will not release records of drug and alcohol tests or any resulting action to anyone other than designated school personnel and the student and/or his/her parent/guardian(s) without written authorization from the student and/or his/her parent/guardian(s) in accordance with 42C.F.R. – Part II. Student drug testing information will not be turned over to any law enforcement authorities except under circumstances in which the division is legally compelled to surrender or disclose such test results.*
- *The Program Coordinator will destroy all records for each student when they have no remaining eligibility to participate in VHSL activities due to the fact that they have graduated, they are over the maximum age for participation, or they have completed four years of eligibility.*
- *The testing company will maintain testing records according to their records retention policies.*

**Appeal Procedure:**

- *A student or his/her parent/guardian(s) may request a retest of his/her specimen at his/her own expense at a laboratory of their choice which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. A written request must be made within twenty-four (24) hours of receiving the results of the drug test from the Program Coordinator. The specimen previously submitted will be forwarded to the approved lab in cooperation with the division approved outside agency responsible for confirmatory testing.*
- *Results of the re-test will be provided to the Program Coordinator by the approved laboratory. During the appeal period students may not participate in athletics or VHSL-sanctioned, extra-curricular activities.*
- *The student will be ineligible to participate during the appeal.*

**Consequences**

*Consequences will result from the following:*

- *a confirmed positive test for alcohol, illegal drugs, or unauthorized drugs;*
- *refusal to participate in testing when selected; and/or*
- *tampering with, diluting or altering the specimen during the collection process.*
- *Students will be ineligible for participation in any VHSL-sanctioned, extra-curricular activities unless they complete the Scott County Public Schools' Random Testing for Illegal/Unauthorized Drugs and Alcohol Consent to Test Form. Any attempt by a participant to tamper with, dilute or otherwise alter the specimen during the collection process or refusal by the participant to provide a sample, will be treated as a resignation from all extracurricular activities for a period of 365 calendar days except in cases where a positive sample would constitute a 3<sup>rd</sup> violation. In such cases, the student will be banned from any further participation for the remainder of his/her enrollment in the Scott County Public School Division.*
- *Upon confirmation of a positive test or a student's confession of alcohol, illegal drugs, or unauthorized drugs use as a result of an investigation based on suspicion of use, the student will be ineligible to participate in athletics or extracurricular activities until they adhere to the consequences outlined below.*
- *It should be noted that the consequences outlined below are cumulative across each participant's athletic and/or extracurricular "career" in the Scott County Public School Division. Each student's "career" begins in the 8th grade or upon initial participation in an athletic activity, VHSL-sanctioned, extracurricular activity and ends when they graduate or cease to participate in athletics or VHSL-*

*sanctioned, extracurricular, competitive activities. For example, if a student has a positive test for an alcohol, illegal drugs, or unauthorized drugs in the 8th grade and, a second positive test for alcohol, illegal drugs, or unauthorized drugs in the 11th grade, they will be subject to the consequences outlined for a second offense.*

### **Consequences – First Offense**

**Step 1:** *Upon confirmation of a positive screen for alcohol, illegal drugs, or unauthorized drugs or a student's confession of alcohol, illegal drugs, or unauthorized drugs use as a result of an investigation based on suspicion of use, the Supervisor of Personnel and Student Services will schedule a meeting with the student, his/her parent/guardian(s), and the principal on the first school day following the confirmation of alcohol, illegal drugs, or unauthorized drugs use to impose a suspension from athletic/extracurricular participation. The student shall be suspended from participating in contests for a period of time equivalent to 50 percent of the total number of VHSL contest limitations or activity contest for each sport or activity to be played during the regular season (any fraction of the calculation will be dropped). The penalty will be applied immediately and include the next contest(s) including playoffs, and/or to the next season in which the student athlete participates within 365 calendar days. During this time, the student shall continue to attend scheduled meetings, practices, and contests associated with his/her activity. The student shall participate in practices and may not dress out for contests. Written notification will be provided to parent/guardian(s) that will detail the conditions and the endpoint of the suspension. Additionally, in the event the season concludes while the student is suspended, the student will be allowed to participate in try-outs for the next activity season if the student has been retested by the current company who provides Scott County Public Schools with our student drug-testing or another drug-testing company approved by Scott County Public Schools administration that operates under SAMHSA (Substance Abuse and Mental Health Services Administration) certified laboratory guidelines, at the parent/guardian(s) expense, less extenuating circumstances; and the test results must be negative. After which time, the student will be ineligible until all conditions of reinstatement have been completed.*

**Step 2:** *The Program Coordinator will conduct a screening interview with the student and parent/guardian(s) as soon as possible. Based on the interview, the coordinator will design an intervention program suitable for the student.*

**Step 3:** *After suspension and prior to resuming full participation with his/her team/activity, the student will be required to take an additional oral fluid*

test/urinalysis screen to prove that he/she no longer has any trace of illegal substances in his/her system. The parent/guardian(s) shall be responsible for the cost of the screening, less extenuating circumstances.

**Step 4:** The student and parent/guardian(s) must participate in the recommended intervention program at their expense, less extenuating circumstances. Progress reports will be provided to the Program Coordinator to document the student's successful participation.

**Step 5:** The student and his/her parent/guardian(s) must agree to regular testing for alcohol, illegal drugs, or unauthorized drugs for the student for the remainder of the school year. The parent/guardian(s) shall be responsible for the cost of the screening(s), less extenuating circumstances.

**Step 6:** Upon satisfactorily attending all the prescribed intervention sessions, the student will be provided with a letter of reinstatement from the Program Coordinator indicating that he/she is a "student in good standing" and eligible to resume regular participation with his/her team.

### Second Offense

**Step 1:** Upon confirmation of a second positive test for alcohol, illegal drugs, or unauthorized drugs or the student's admission of continued use of alcohol, illegal drugs, or unauthorized drugs, the Program Coordinator will schedule a meeting with the student, his/her parent/guardian(s), and the Principal on the first school day following the confirmation of alcohol, illegal drugs, or unauthorized drugs. The student shall be suspended from play for a period of time equivalent to 75 percent of the total number of VHSL contest limitations or activity contest for each sport or activity to be played during the regular season (any fraction of the calculation will be dropped). The penalty will be applied immediately and include the next contest(s) including playoffs, and/or to the next sport season in which the student participates within 365 calendar days. During this time, the student shall continue to attend scheduled meetings, practices, and contests associated with his/her activity. The student shall not participate in practices and may not dress out for contests. Written notification will be provided to the parent/guardian(s) that will detail the conditions and the endpoint of the suspension. Additionally, in the event the season concludes while the student is suspended, the student will be allowed to participate in try-outs for the next activity season if the student athlete has been retested by the current company who provides Scott County Public Schools with our student drug-testing or another drug-testing company approved by Scott County Public Schools administration that operates under SAMHSA (Substance Abuse and Mental Health Services Administration) certified laboratory guidelines, at the parent/guardian(s) expense, less extenuating circumstances; and the test results

*must be negative. After which time, the student will be ineligible until all conditions of reinstatement have been completed.*

**Step 2:** *The Program Coordinator will conduct a screening interview with the student and parent/guardian(s) as soon as possible. Based on the interview, the coordinator will design an intervention program suitable for the student.*

**Step 3:** *After suspension and prior to resuming full participation with his/her team/activity, the student will be required to take an additional oral fluid test/urinalysis screen to prove that he/she no longer has any trace of illegal substances in his/her system. The parent/guardian(s) shall be responsible for the cost of the screening, less extenuating circumstances.*

**Step 4:** *The student and parent/guardian(s) must participate in the recommended intervention program at their expense, less extenuating circumstances. Progress reports will be provided to the Program Coordinator to document the student's successful participation.*

**Step 5:** *The student and his/her parent/guardian(s) must agree to regular testing for alcohol, illegal drugs, or unauthorized drugs for the student for the remainder of the activity season. The parent/guardian(s) shall be responsible for the cost of the screening(s), less extenuating circumstances.*

**Step 6:** *Upon satisfactorily attending all the prescribed intervention sessions, the student will be provided with a letter of reinstatement from the Supervisor of Personnel and Student Services indicating that he/she is a "student in good standing" and eligible to resume regular participation with his/her team.*

### Third Offense

*Upon confirmation of a third positive test for alcohol, illegal drugs, or unauthorized drugs or the student's admission of continued alcohol, illegal drugs, or unauthorized drugs use, the Program Coordinator will schedule a meeting with the student, his/her parent/guardian(s), and the Principal on the first school day following the confirmation of alcohol, illegal drugs, or unauthorized drugs use to suspend the student from any further athletic and/or extracurricular participation while enrolled in the Scott County Public School Division.*

### **COLLECTION PROCESS**

*Selected students are escorted from class or practice to the collection site. A specimen of oral fluid/urine is collected following this process:*

#### Oral Fluid Testing Procedures

- *No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.*
- *Student is asked to rinse his/her hands and dry them. If no water is easily accessible, an alcohol free wipe may be used instead.*
- *The Testing Custody and Control Form is completed by the student and collector.*
- *The student is told to check expiration date on back of kits for validity.*
- *The student opens the kits.*
- *The collector instructs the student to position the swab in their mouth and rub back and forth several times on inside of cheek one at a time.*
- *The student places the swabs in his own mouth.*
- *The collector and the student fill in designated sections of the laboratory chain of custody form.*
- *The samples and chain of custody form are labeled by the student and packaged for overnight delivery to the SAMHSA certified lab.*
- *The top lab copies of the Testing Custody and Control Form are folded with the top portion visible to the outside and placed in the Requisition Pouch. The transport bag and pouch are sealed as indicated. The student is given the donor copy of the form.*
- *The student may wash his/her hands and be released from the testing site.*
- *The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the MRO in a timely manner.*
- *The Program Coordinator will be notified immediately of any student who refuses to give a sample or is suspected of tampering with the sample.*

#### *Urine Testing Procedures*

- *No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.*
- *The collector adds a bluing agent (food coloring) to the water in the urinal or toilet.*
- *Student is asked to rinse his/her hands and dry them. If no water is easily accessible, an alcohol free wipe may be used instead.*
- *The Testing Custody and Control Form is completed by the Student and collector.*
- *The student is told to urinate directly into the provided container and should provide a sufficient amount of urine (at least 45ml) in one attempt. The student is also told they are to hand the container of urine to the collector.*

- *The student enters a closed stall or single use bathroom to collect the specimen, and then hands the container to the collector when they exit the stall or bathroom.*
- *The collector checks the volume, reads and records the temperature within four minutes of collection, and looks for evidence of tampering. If tampering is suspected, a second specimen will be requested. A second suspected tampered specimen will be considered refusal to test and the Program Coordinator will be notified.*
- *With the student watching, the collector will pour the specimen into the two bottles and recap the specimen bottles tightly.*
- *The collector takes the properly signed and student initialed bottle seals and places them over the caps and sides of the bottles. The sealed bottles are placed inside the transport bag.*
- *The top lab copies of the Testing Custody and Control Form are folded with the top portion visible to the outside and placed in the Requisition Pouch. The transport bag and pouch are sealed as indicated. The student is given the donor copy of the form.*
- *The student may wash his/her hands and be released from the testing site.*
- *The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the MRO in a timely manner.*
- *The Program Coordinator will be notified immediately of any student who refuses to give a urine sample or is suspected of tampering with the sample.*

#### **MEDICAL REVIEW OFFICER (MRO) RESPONSIBILITIES**

- *The MRO will review all results of oral fluid/urine testing. Any urine specimen testing positive for alcohol, illegal drugs, unauthorized drugs, banned substances, or adulteration will be handled in the following manner:*
- *The MRO determines if any discrepancies have occurred in the Chain of Custody.*
- *Depending on the substances found in the urine, if necessary, the MRO will contact the parent/guardian to determine if the student is on any prescribed medication from a physician.*
- *If the student is on medication, the parent/guardian(s) will be asked to provide documentation from the prescribing physician, within five working days, to document what medication(s) the student is currently taking. Failure to provide such requested information will be considered a positive result.*
- *The MRO will determine if the prescribed medications resulted in the positive test result. For example, a positive test result for codeine may be ruled negative by*



*the MRO when he receives a letter from the treating physician that the student has been prescribed Tylenol® with codeine as a pain medication following tooth extraction. Or, if the student has a positive screen for codeine and has no documented physician order for the medication (maybe a parent/guardian gave the student one of his/her pills), this would likely be ruled a positive test by the MRO.*

- *Finally, the MRO, based on the information given, will certify the test results as positive or negative and report this to the Program Coordinator, initially reporting positive results by phone.*
- *Screens positive for alcohol or illicit drugs (marijuana, heroin, cocaine) would automatically be considered positive by the MRO.*
- *The MRO may use quantitative results to determine if positive results on repeat tests indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance from the body. If the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use but natural decay, then a negative result may be reported.*

**APPROVAL OF DRUG AND ALCOHOL TESTING POLICY:** Superintendent Ferguson presented a summary of the *Drug and Alcohol Testing (GBEA-R1) (6/14)* policy including: Required Testing, Procedures, Consequences, Searches and Cost. He pointed out that he wished to emphasize the “reasonable suspicion.”

Mr. Jessee asked the legal council’s advice on the drug and alcohol testing policy being presented.

Mr. William Sturgill, School Board Attorney, stated that he has reviewed the policy, added clauses to comply with case law and regulations and gave Superintendent Ferguson an approval of the policy.

On the recommendation of Superintendent Ferguson and on a motion by Mr. Jessee, seconded by Mr. Spivey, all members voting aye, the Board approved the *Drug and Alcohol Testing (GBEA-R1) (6/14)* policy as presented:

File: GBEA-R1  
(6/14)

#### **DRUG AND ALCOHOL TESTING**

*The Scott County School Board seeks to provide a drug-free, safe, and secure work environment for all employees of the Board and all students served by the School Division. All employees will receive a copy of the Drug and Alcohol Testing Policy and will sign a statement certifying that he/she has received a copy of the policy and the division shall maintain this signed copy.*

#### **REQUIRED TESTING**

- *Testing for Employees Required to Maintain Commercial Drivers Licenses (CDLs)*  
*All employees who are required to maintain a CDL for employment activities will be required to submit to drug and alcohol testing in accordance with Policy File GDQ.*
- *Testing Where There is Reasonable Suspicion*  
*An employee is required to undergo drug and/or alcohol testing if school administration determines there is a reasonable suspicion that the employee is under the influence of drugs and/or*

***alcohol. Reasonable suspicion means suspicion, based upon objective and articulable facts, sufficient to lend a prudent supervisor to suspect that an employee is under the influence of alcohol and/or drugs. Such objective and articulable facts may include, but are not limited to, impaired motor coordination, smell of alcohol, observed use, possession and/or sale of alcohol and/or drugs, violation of drug statutes, frequent tardiness and/or absences, and poor job performance.***

- ***Testing for Employees Involved In or Connected With Accidents***

***If an employee is involved in or connected with an accident involving personal injury or property damage while on the job or an accident involving a government-owned vehicle, he/she may be tested for drug and/or alcohol use if recommended by an immediate supervisor.***

- ***Random Testing***

*If there is determined to be a need by the Division Superintendent, school personnel may be subject to random drug screens as deemed necessary to further the educational interests and/or welfare of the school division. Before the implementation of such random testing, the Division Superintendent shall provide notice, in writing, to school personnel of the reasons for such testing. School personnel is defined for this policy provision as all employees of the Scott County School Board regardless of employment position.*

#### **PROCEDURES**

*If an employee is requested to submit to a test for the presence of drugs and/or alcohol, the employee will be given a full explanation of the testing procedure and will be required to sign a consent form. Drug tests will consist of testing for substances, which may include marijuana, synthetic cannabinoids, opiates, cocaine, amphetamines, phencyclidine, MDMA, and/or any other substance defined as a “controlled substance” by either Virginia or Federal law. Drug testing will be conducted by obtaining a specimen of oral fluid and/or urine or as otherwise permitted by law. An Evidential Breath Test (EBT) using an EBT device operated by a trained technician will be used to test for alcohol.*

*Testing will be performed on a very private, strictly confidential basis. All medical information will be considered confidential and will be available only to staff members authorized to access personnel records.*

*Where there is reasonable suspicion that an employee is under the influence or using drugs and/or alcohol in violation of this policy, a school official shall transport the suspected employee to a pre-approved testing site to submit to testing for alcohol and/or drugs.*

*An employee involved in a work-related accident shall, upon direction of his/her immediate supervisor, as soon as reasonably possible, submit to testing for alcohol and/or drugs at a pre-approved testing site.*

*The employee must remain available for drug and/or alcohol testing until the testing has been conducted. An employee who fails to remain readily available for such testing shall be deemed to have refused to submit to testing.*

#### **CONSEQUENCES**

*An employee who is tested for reasonable suspicion shall be placed on leave with pay until the test results are received. Any employee who refuses to submit to testing, attempts to tamper with the results of a drug and/or alcohol test, or refuses to release the results of a drug and/or alcohol test shall be charged with insubordination and suspended with pay in accordance with Policy GCPF and/or may be subject to further disciplinary actions up to, and including termination. Any employee so suspended shall continue to receive his/her then applicable salary unless and until the school board, after a hearing, determines otherwise in accordance with Policy GCPF.*

*Any employee whose test yields a confirmed positive result for alcohol and/or drugs may be subjected to disciplinary action, up to and including termination, and/or may be required to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program. An employee may also be required, as a condition of continued employment, to submit to follow-up and return-to-duty testing, and/or testing pursuant to an agreed to testing schedule.*

#### **SEARCHES**

*Scott County Public Schools reserves the right to search, without employee consent, all areas and property in which it maintains either full control or joint control with the employee, including, but not limited to, Scott County Public Schools' vehicles, property, and equipment, under the following circumstances:*

- 1. when an employee is required to submit to reasonable suspicion testing;*
  - 2. when an employee is required to submit to post-accident testing; and/or*
  - 3. when an employee who is subject to random testing receives a confirmed positive result.*
- Searches may be conducted only by authorized administrative personnel. Nothing in this policy, however, shall be interpreted to prohibit any search by law enforcement.*

#### **COST**

*Scott County Public Schools shall bear the cost of all initial testing requested by a school official. All costs associated with a re-test of a confirmed positive test result shall be borne by the employee.*

*Adopted: June 26, 2014*

**ADJOURNMENT:** On a motion by Mr. Kegley, seconded by Mr. Spivey, all members voting aye, the Board adjourned at 6:25 p.m.

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

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Loretta Q. Page, Clerk