

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, FEBRUARY 17, 2011

The School Board of Escambia County, Florida, convened in Special Meeting at 5:30 p.m., in Room 160, at the J.E. Hall Educational Services Center, 30 East Texar Drive, Pensacola, Florida, with the following present:

Chair: Mr. Gerald W. Boone Vice Chair: Mr. Bill Slayton

Board Members: Mr. Jeff Bergosh
Mrs. Linda Moultrie
Mrs. Patricia Hightower

School Board General Counsel: Mrs. Donna Sessions Waters

Superintendent of Schools: Mr. Malcolm Thomas

Meeting was advertised in the Pensacola News Journal on January 25, 2011 - Legal No. 1507337

I. CALL TO ORDER/ADOPTION OF AGENDA

Mr. Boone called the Special Meeting to order at 5:35 p.m. Motion was made by Mr. Slayton and seconded by Mrs. Moultrie, to adopt the agenda. Mrs. Hightower moved to amend the title of Item III.1, as follows: *Motion to Amend ~~Something Previously Adopted~~ the Effective Date for School Improvement Plans to Reflect January 4, 2011 (vitium scriptoris).* The amendment was seconded by Mrs. Moultrie and approved unanimously. Motion to adopt the agenda (as amended) was approved unanimously.

II. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

(Supplementary Minute Book, Exhibit "A")

A. Rule(s) Adoption

1. Notice of Intent to Adopt Amendment Creating School District Rule 6Gx17-3, Section 3.20 – Random Drug Testing of Students

NOTE: This proposed policy would authorize the random drug testing of any student electing to participate in school athletics, extra/co-curricular activities, and on-campus parking. This item was previously discussed at the February 11, 2011 Regular Workshop.

The following speakers requested to address the Board regarding this item:

- Andrew Foster, representing the Drug Test Task Force*, expressed his support for the random drug testing both middle and high school students. **The task force that helped prepare the policy.*
- Kathy Fellgren, speaking as an individual, expressed her opposition to the proposed policy for random drug testing of students.
- Ellen Crow, speaking as an individual, expressed her opposition to the proposed policy for random drug testing of students.
- Nancy Perry, principal of Ernest Ward Middle School, expressed her support of random drug testing of both middle and high school students.
- James C. Nims, Jr., speaking as an individual, expressed very concerns and questions with regard to the proposed policy for random drug testing of students, including:

concerns with false positive test results, questions regarding the procedures for administering the test, concern for parents who cannot afford to pay for subsequent testing, questions regarding the appeal process.

- Susan Watson, Regional Director of the American Civil Liberties Union (ACLU), expressed opposition to the proposed policy for random drug testing of students, which she referred to as “governmental bullying.”
- Marsha Higgins, principal of Woodham Middle School, expressed her support of random drug testing of both middle and high school students.

Motion was made by Mr. Bergosh and seconded by Mr. Boone, to adopt an amendment creating School District Rule 6Gx17-3, Section 3.20 – Random Drug Testing of Students. Mr. Slayton said he had no problem with the random drug testing of high school students. However, he was concerned that middle school students may lack the emotional maturity to handle such testing and therefore, he offered the following amendment to Section 3.20(3)(F) of the proposed policy: *Selection of Students for Testing: Drug screening shall occur at various times throughout the school year. Each ~~secondary~~ high school student who participates in athletics, extra/co-curricular activities, or on-campus parking shall be included in a database and will be subject to random drug screening.* Mr. Bergosh seconded the amendment for discussion purposes. Mr. Bergosh said he supported the random drug testing of both middle and high school students, but in light of Mr. Slayton’s concern he suggested the possibility of using a less invasive method of drug testing for middle school students (i.e., salvia test or hair-strand analysis rather than urine sample). Mrs. Moultrie said that when the proposed drug testing policy was first introduced, she too was concerned about the testing of middle school students. However, she said the reality was that “there are drugs in middle schools” and therefore, she would support the policy as written whereby students from both middle and high school would be randomly tested. Mr. Boone said he was supportive of random drug testing for both middle and high school students. His hope was that random testing would serve as a deterrent for student drug use. The amendment failed 4 to 1, with Mr. Bergosh, Mr. Boone, Mrs. Hightower, and Mrs. Moultrie voting “No.”

Mr. Bergosh expressed support of random drug testing as yet another component of the School District’s comprehensive approach for combating the presence of illegal drugs on school campuses. At the request of Mr. Bergosh, Mrs. Waters addressed the legality of random drug testing, by citing a precedent-setting case in which the U.S. Supreme Court had upheld the random drug testing of students who elect to participate in extra-curricular activities. Mrs. Waters explained that every student had the ‘right to privacy’ within their own body; however, in return for allowing students the privilege of school athletics, extra/co-curricular activities, and on-campus parking, the School District could require that students give up a certain amount of their privacy rights by submitting to drug testing as a condition of accepting such privileges. Mrs. Hightower offered an amendment to the motion that prior to implementation, the policy guidelines/procedures would be presented to the School Board for review. The amendment was seconded by Mr. Slayton and approved unanimously.

Motion to adopt an amendment creating School District Rule 6Gx17-3, Section 3.20 – Random Drug Testing of Students, with the provision that prior to implementation, the policy guidelines/procedures would be presented to the School Board for review, carried unanimously.

2. Adoption of “Global Learning Academy” as the Name of the New Downtown Elementary School

Mr. Boone called for public hearing; however, there were no speakers. Motion was made by Mrs. Moultrie and seconded by Mrs. Hightower, to adopt “Global Learning Academy” as the name of the new downtown elementary school. Motion carried unanimously.

- B. Permission to Advertise
-No items submitted

III. CURRICULUM

(Supplementary Minute Book, Exhibit “B”)

AMENDED

- 1. Motion to Amend ~~Something Previously Adopted~~ the Effective Date for School Improvement Plans to Reflect January 4, 2011 (*vitium scriptoris*)

NOTE: *The 2010-2011 School Improvement Plans were initially presented for Board-approval on the December 14, 2010 Regular Meeting agenda. Due to unforeseen circumstances, that meeting was canceled and a new meeting was scheduled for January 4, 2011. Printed copies of the 2010-2011 School Improvement Plans that were approved by the Board at the January 4, 2011 Regular Meeting reflected an incorrect effective date of December 14, 2010 (the date the plans were initially presented for Board-approval). As part of this item, the Board was asked to correct the vitium scriptoris (scrivener’s error) so that the effective date reflected on the printed copies was January 4, 2011.*

Motion was made by Mrs. Hightower and seconded by Mr. Slayton, to amend the 2010-2011 School Improvement Plans to reflect an effective date of January 4, 2011. Motion carried unanimously.

IV. FINANCE

(Supplementary Minute Book, Exhibit “C”)

- 1. Legal Services:

Risk Management Fund

Steven J. Baker, Attorney \$12,939.71

Motion was made by Mr. Slayton and seconded by Mrs. Moultrie, to approve payment of \$12,939.71 to Steven J. Baker, Attorney, for Risk Management legal services. Several Board Members noted that they had questioned the Superintendent as to why this item had not been handled at the February Regular Meeting which was held just two days prior to this Special Meeting. Mrs. Hightower requested that the Superintendent review the process for submitting agenda items to ensure that this situation did not happen again. Motion carried unanimously.

V. ITEMS FROM THE GENERAL COUNSEL

(Supplementary Minute Book, “Exhibit “D”)

- 1. Dismissal of the Gainer School Lawsuit, Escambia County Circuit Court Case # 2010 CA 000717

NOTE: *Mr. Stephen B. Shell, Shell, Fleming, Davis & Menge, P.A., addressed the Board at the January 13, 2011 Special Workshop on the status of the lawsuit against Reaching Your Dream, Inc. with regard to ownership of the Gainer school property located at 1600 East Moreno Street. While it was clear at that time that the Board intended to follow Mr. Shell’s legal advice and dismiss the case, Mrs. Waters advised that in order to preserve the record, it was necessary to have the Board vote on the matter.*

Motion was made by Mr. Slayton and seconded by Mr. Bergosh, to approve the dismissal of the Gainer School Lawsuit, Escambia County Circuit Court Case # 2010 CA 000717. Motion carried unanimously.

VI. PUBLIC FORUM

- James C. Nims, Jr., speaking as an individual, addressed the Board regarding the following issues: (1) comparisons of Escambia County School District and Santa Rosa County School District; (2) unsportsmanlike conduct at the January 21, 2011 basketball game between Pine Forest High School and Escambia High School; and (3) the recent decrease in the number of student expulsions.

VII. ADJOURNMENT

There being no further business, the Regular Meeting adjourned at 7:05 p.m.

Attest:

Approved:

Superintendent

Chair