

Report on Investigation of Alleged Misconduct of HHS Football Players and Staff
Knowledge of and Response to Alleged Misconduct
June 17, 2008

The School Board was extremely disappointed and disturbed by allegations made a few weeks back regarding the use and distribution of pain pills by members of the high school football team. While the Board, parents and members of our community justifiably share pride in the success of the HHS football team, we insist that any success be achieved honorably and by student-athletes who are committed first and foremost to academic achievement, good citizenship and sportsmanship, playing by all of the rules, and conducting themselves in a manner that reflects positively on their coaches, team, school and community. We remain disappointed that certain members of the HHS football team have behaved in a manner that falls far short of our expectations.

In response to the allegations, Dr. Ford recommended and the School Board agreed to retain an outside, independent investigator to conduct interviews and to review documentation to gather facts relating to these allegations. The School Board launched the independent investigation to determine (1) whether its existing policies and procedures are adequate; (2) the nature and extent of the alleged drug activity among members of the football team, and (3) to determine as clearly as possible what, if anything, school division staff actually knew about the alleged student wrongdoing, and whether staff acted appropriately on the information known. The Board further expected that a thorough investigation would help inform the Board of any gaps or deficiencies in division policies and procedures and would aid the Board in formulating any necessary corrective action. In short, the overarching goal of the Board was to use the investigation as a tool to help the Board implement changes that would improve school operations and safety.

The independent investigation is now complete and the School Board has carefully reviewed its findings. The investigation was comprehensive, detailed and included the interviews of 23 witnesses, including players, coaches, administrators and others. Some witnesses were interviewed on multiple occasions. The investigator also reviewed existing School Board policies, procedures, regulations and applicable laws and regulations, and provided the Board with legal advice relating to her investigation. Additionally, the investigator reviewed and took into account the recitation of numerous witness statements reported in the sworn affidavits filed in support of the search warrants executed by local law enforcement. Upon receipt of the report, Dr. Ford conducted additional interviews to clarify questions raised in the report and to develop specific recommendations to provide to the School Board.

We understand that some members of our community believe the entire report should be publicly released. For several reasons, the Board simply cannot do so. The report is specific in its references to employees and students. It reaches conclusions about employees and students by name. Because of the nature of the investigation and

the specific reference to employees, the report is part of the school division's ongoing investigation into specific and individual personnel matters. Additionally, some students would only agree to be interviewed and to provide factual information necessary for an effective investigation on the condition that their participation in the investigation would remain confidential. The Board must and will honor that confidentiality commitment. Moreover, federal and state law prohibits the release of any record that contains identifiable student information.

Although the Board cannot release the report, it believes it is important to provide the community with the Board's conclusions and recommendations as a result of these incidents. The Board emphasizes that its conclusions are based on all information currently available to it, including but not limited to the substantial amount of information made available as a result of the independent investigation. The Board recognizes that, after the fact, it cannot know with 100% certainty what occurred in connection with these incidents and that its conclusions must be based on the best information available to it at this point in time. Certainly, if additional factual information subsequently comes to light or is reported to the Board by credible sources, the Board will review such information and respond appropriately. Finally, the Board understands that law enforcement will evaluate the information available to it to make determinations regarding to what extent criminal laws may have been violated and whether criminal prosecutions are appropriate.

School Board Policies and Procedures

First, it is clear that the school division already has in place policies and procedures that unequivocally prohibit student use, possession or distribution of drugs. The prohibition is expressed in School Board policy, in the student athlete handbook distributed to all athletes, and in the Athletic Participation Pledge Card signed by participating student athletes. These expressions of the School Board's prohibition of drug activity put students and athletes on clear notice that such behavior will result in serious consequences. Additionally, HHS football players are made well aware of the school division's prohibition against drug use and distribution. Coaches regularly remind players of the ban on alcohol and drug use and players are regularly warned after games to avoid problematic situations over weekends, especially those involving drug or alcohol use. Any known violations of the division's substance abuse policy by athletes always result in disciplinary consequences.

Board policies are also clear that coaches are expected to establish and enforce rules for their sport that are consistent with school policies. Additionally, in the event a building administrator is made aware of facts that create a reasonable suspicion of student use, possession or distribution of drugs, Board policy permits the search of a student, a student's personal effects and student lockers. In cases of individualized reasonable suspicion, athletes – and students generally – can be subjected to drug testing. Board policy also makes clear that if staff determines a student has, in fact, engaged in prohibited drug activity, that information must be reported to the superintendent and to local law enforcement.

Player Use and Distribution of Pain Pills

The Board concludes and acknowledges that some team members were involved in the unauthorized use of pain pills and at least one player distributed such pills in violation of Board policies. Based on the best information currently available, player use and distribution of pain pills appears to have been confined to the locker room in a discrete area involving a select group of players. Players were generally left to themselves in the locker room to prepare for the game during the hour before the game. While supervision by the coaching staff occurred, it was insufficient to prevent the distribution and use of pain pills during this period of time. The Board does not possess information at this time to suggest the widespread use or distribution of pain pills among members of the football team or in any other school location other than a discrete area of the locker room. While this kind of activity, even among some members of the team, is serious and of utmost concern to the Board, the Board feels it is important to emphasize that most of the members of the football team apparently were uninvolved in this activity. However, students who did violate board policies were afforded due process and disciplined in accordance with Board policies.

Staff Knowledge of and Response to Player Misconduct

The Board concludes that no individual HHS coach had actual, direct knowledge that members of the HHS football team were using or distributing pain pills during the 2006-07 or 2007-08 football seasons. No member of the coaching staff ever observed the drug activity or ever saw pain pills in the locker room or in player lockers, even though lockers were searched on occasion. Moreover, no school administrator had actual knowledge or suspicion of player drug activity during the two seasons.

However, the Board concludes that *some* members of the coaching staff were aware of rumors and suspicions of drug activity by at least one of the team players. While the coaching staff took some steps to investigate these rumors and allegations, a more sustained and thorough investigation may have led to detection of drug activity by one player and, if that player's involvement with pain pills had been discovered, it is likely the school division would have learned of the use of pain pills by some other members of the team. Thus, while members of the coaching staff did not ignore these suspicions, and undertook some investigation, **in retrospect** the investigation or response was not as thorough and as coordinated as was necessary to uncover the improper player activity. This lack of a coordinated response and failure to use all investigative techniques available to uncover illegal student activity highlights the need for more intensive and comprehensive training of staff.

The Board concludes that some members of the coaching staff could have more adequately responded to rumors by (1) better communicating with all coaches the cumulative evidence of rumored or alleged drug use by a player; (2) interviewing a larger number of other team members regarding the possible drug use by one or more team members after receipt of an anonymous note suggesting player involvement in drug

activity; (3) providing greater supervision in the locker room before games; and (4) reporting rumors of a team member's possible drug use to the principal and her administrative team. In particular, had the suspicions been reported to the principal or other building administrators, a more thorough investigation would have been launched, including a student search, a focused search of player lockers and the possible drug testing of at least one player, all of which would have been possible based on reasonable suspicion and is provided for in existing School Board policies.

The Board notes with resignation and sadness this inevitable change in the role of educators – the challenges and problems confronting contemporary public education are such that educators can no longer solely focus on the academic and character development of students. Educators must also be well-versed and trained in the conduct of legal investigations into possible student criminal activity. While the Board plans for such training to be implemented and for staff to have the skills and knowledge to professionally conduct such investigations, we expect our educators to remain focused on their primary responsibility: the effective education of our students.

The Board also has considered whether any member of the coaching staff violated Virginia Code § 22.1-279.3:1 (the "Reporting Statute"). The purpose of the Reporting Statute is to encourage and require the exchange of information between schools, law enforcement agencies, and parents, as well as the reporting to the State Department of Education of certain student offenses delineated in the statute. The Reporting Statute is not a criminal statute and it includes no criminal penalties. The statute requires the reporting of "incidents" of certain student conduct, including conduct involving drugs. However, and unfortunately, the statute does not define what constitutes an "incident." While the statute states that the Virginia Board of Education shall promulgate regulations to implement the statute, and to guide school personnel, the state Board of Education has not yet done so. Thus, there is no implementing regulation defining a reportable incident. Nonetheless, the Department of Education considers a reportable "incident," as an incident of student misconduct that "has been observed by an actual witness," as opposed to rumor or gossip. Based on these standards, the Board concludes that no member of the coaching staff violated the Reporting Statute. While no member of the coaching staff appears to have violated the Reporting Statute, rumors or suspicions of drug use still should have been reported to the principal for further investigation.

The Board has also been concerned with determining the nature and extent of any coach's knowledge of player involvement in an armed robbery. Based on all available information, the Board determined that while a coach had some general knowledge of player involvement in an off campus incident, no coach had specific awareness that the incident was a robbery prior to law enforcement's initiation of its robbery investigation. Moreover, the Board concludes that no violations of the Reporting Statute occurred because no coach possessed specific knowledge of a reportable "incident" under the statute. Additionally, the Reporting Statute only applies to known "incidents" that occur either on a school bus, on school property, or at a school-sponsored activity. Although the Reporting Statute does not require the reporting of off-campus student conduct, the Board nevertheless expects staff members to report to administration credible evidence of

off-campus conduct that may raise concerns about school or student safety even if a staff member possesses incomplete or inconclusive information about the incident or conduct. This incident further highlights the need for additional staff training on responding to possible student misconduct.

School Board Corrective Action

As a consequence of these troubling incidents of student-athlete misconduct, the Board intends to take aggressive steps to make certain it minimizes the risk of a reoccurrence of this kind of behavior. Those steps include the following:

- (1) Requiring the HHS athletic director and head football coach to appear before the School Board to inform the Board of corrective actions planned and changes to the athletic department and football program to appropriately respond to this episode;
- (2) Implementation of systematic regular staff training regarding procedures to follow in reporting and investigating suspected student misconduct;
- (3) Implementation of additional systematic staff training on recognizing the signs of drug use and activity by students;
- (4) Reorganizing the administrative structure at HHS to create more effective oversight, reporting, and investigation of disciplinary matters involving student athletes by employees who are not part of the coaching staff;
- (5) Fully exploring the possible implementation of random drug testing for participants in athletics and other extracurricular activities;
- (6) Fully exploring the increased use of general, administrative drug searches through the use, for example, of drug dogs; and
- (7) Requiring the administration periodically to report to the Board on the status of these action steps as well as others that are deemed appropriate by the Board.

The School Board accepts the responsibility of adopting and implementing measures to help prevent and detect student involvement with alcohol and drugs. While strong substance abuse policies already exist within the school division, the Board acknowledges that our coaches and other staff members must be vigilant in seeking to prevent any similar episodes of student misconduct and it will see to it that the above actions are implemented. But the problem of student drug use is not a problem created by the schools, by administrators, by coaches, or teachers. It is a societal problem that demands a collaborative effort by the schools, parents, government and law enforcement. The School Board will not tolerate student drug use. Our policies have long made that clear. We intend to use this episode as a catalyst to refocus our efforts on making our schools as drug free as possible.