

**MINUTES OF SPECIAL MEETING/EXECUTIVE SESSION**  
**To Discuss Matters as Allowed by Idaho Code, Section 67-2345 (1) (b)**  
*To Consider the Evaluation, Dismissal or Disciplining of, or to Hear*  
*Complaints or Charges Brought Against a Public School Student*  
**(With option to take any action pertinent to**  
**Student Discipline Hearing in Open Session)**  
Pocatello/Chubbuck School District No. 25  
County of Bannock – State of Idaho

Superintendent's Office at the Education Service Center  
4:30 p.m.  
Wednesday, February 9, 2011

**BOARD/SUPERINTENDENT PRESENT:**

Marianne Donnelly, Chair, Board of Trustees  
Janie Gebhardt, Vice Chair, Board of Trustees  
Frank Rash, Clerk, Board of Trustees  
John Sargent, Member, Board of Trustees (Arrived at 5:17 p.m.)  
Jackie Cranor, Member, Board of Trustees (Excused)  
Mary M. Vagner, Superintendent

**Call to Order/Executive Session – Student Expulsion Hearing:**

Chair Donnelly called the meeting to order at 4:34 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Rash to adjourn to Executive Session. The roll call vote was unanimous in the affirmative; Mr. Rash, aye; Ms. Gebhardt, aye; Ms. Donnelly, aye. The Board adjourned to Executive Session at 4:35 p.m.

**Purpose: To discuss student discipline.**

The Board proceeded to discuss student discipline as provided in Idaho Code, Section 67-2345 (1) (b) *to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public school student.*

**OTHERS PRESENT:**

**Student Docket No. 10-32**

**Student Docket No. 10-32** Mother  
Kent Hobbs, Director of Student Support Services  
Keith Barnes, Principal, Alameda Center  
Maurice Canfield, Sergeant, Pocatello Police Department  
Rena Johnson, Board Secretary  
Amy White, Legal Counsel (by phone)

**Return to Open Session**

The Board returned to Open Session at 5:16 p.m. A motion was made by Mr. Rash and seconded by Ms. Gebhardt that as it has been established that the conduct of **Student Docket No. 10-32** was a manifestation of the student's disability, the Board impose no disciplinary measures and no expulsion associated with this conduct.

The Board understands that the IEP team for **Student Docket No. 10-32** has established a new placement for the student for the remainder of the 2010-2011 school year. The IEP team shall address any other steps or actions deemed to be appropriate to aid in prevention of similar future conduct, the possibility of credit recovery, if necessary, and the possibility of community service activities.

The Board would request the IEP team consider and arrange for the appropriate entry of documentation in order to have the District obtain records and documentation from service providers and/or probation solely to assist with the education of the student.

The Board would also ask the IEP team to consider implementation of a communication plan between the district's personnel, relating to both discipline and academics, to improve the flow of communication between the family and the school to aid the student and to prevent future problems from escalating. The voting was unanimous in the affirmative. The Board recessed at 5:17 p.m.

**Return to Executive Session – Student Expulsion Hearing:**

Following the recess, a motion was made by Ms. Gebhardt and seconded by Mr. Sargent to reconvene to Executive Session at 5:23 p.m. The roll call vote was unanimous in the affirmative; Mr. Sargent, aye; Mr. Rash, aye; Ms. Gebhardt, aye; Ms. Donnelly, aye.

**OTHERS PRESENT:**

**Student Docket No. 11-13**

**Student Docket No. 11-13 Mother**

Kent Hobbs, Director of Student Support Services

Dixie Erickson, Assistant Principal, Hawthorne Middle School

Maurice Canfield, Sergeant, Pocatello Police Department

Renae Johnson, Board Secretary

Amy White, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 6:44 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Rash that the Board expel **Student Docket No. 11-13** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder 2010-2011 school year. Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 11-13** has:

1. Engaged in conduct demonstrating that the student's presence at school is continuously disruptive of school discipline and the instructional effectiveness of the school.
2. Engaged in conduct which demonstrates that the student's presence at school is detrimental to the health, welfare and safety of other students; and
3. That **Student Docket No. 11-13** has violated the school's disciplinary policies, including:
  - a. Use and/or being under the influence of marijuana while on school property;
  - b. Possession of prohibited drug paraphernalia while on school property;
  - c. Possession of prohibited drugs while on school property.

Each of which, in the judgment of the Board, demonstrate that the presence of the student is disruptive to the educational effectiveness of the school and continuously disruptive of the school's discipline.

Should **Student Docket No. 11-13** seek to enroll in courses through any other institution during the period of expulsion, the school's administration would agree to meet with the student and parent/legal guardian to discuss what courses are needed for advancement and which would be acceptable for transcribing to the District. **Student Docket No. 11-13** shall also be eligible to attend summer school pursuant to a strict behavioral and academic contract.

Prior to the third trimester, **Student Docket No. 11-13** shall be eligible for consideration of an early reinstatement hearing with the Board upon request of the parent/legal guardian. At such reinstatement hearing **Student Docket No. 11-13** and the parent/legal guardian of the student shall be prepared to discuss the activities relating to completion of court ordered issues relating to any criminal charges. Should the Board allow reinstatement for **Student Docket No. 11-13**, it shall be in accordance with a strict academic and behavioral contract and the student shall be required to complete at minimum:

1. Attend and complete Saturday drug education classes;

2. Drug screening at no costs to the District;
3. Complete ten (10) hours of community service in addition to any community service ordered by the Court.
4. Enter into necessary documentation to allow for a free flow of information between the family of the student and the school with any service provider and/or probation department solely with regard to information to assist with the student's education.

During such reinstatement hearing the student and the parent/legal guardian of the student shall be prepared to discuss what actions have been taken to assure that this conduct and violation of District policies will not occur in the future. It is recommended that the parent/legal guardian provide for this hearing a copy of any drug evaluation report that has been conducted relating to this student, such report to be obtained at no cost to the District.

At such hearing the Board will determine if a return to the District is appropriate and if so, at what placement and under what reasonable terms and conditions re-enrollment would be allowed to occur. The voting was unanimous in the affirmative. The Board recessed at 6:48 p.m.

**Return to Executive Session – Student Expulsion Hearing:**

Following the recess, a motion was made by Ms. Gebhardt and seconded by Mr. Sargent to reconvene to Executive Session at 6:53 p.m. The roll call vote was unanimous in the affirmative; Mr. Sargent, aye; Mr. Rash, aye; Ms. Gebhardt, aye; Ms. Donnelly, aye.

**OTHERS PRESENT:**

**Student Docket No. 11-12**

**Student Docket No. 11-12** Legal Guardians

**Student Docket No. 11-12** Legal Guardians

Kent Hobbs, Director of Student Support Services

Julian Duffey, Assistant Principal, Century High School

Davey Burrell, Counselor, Juvenile Justice Center

Maurice Canfield, Sergeant, Pocatello Police Department

Rena Johnson, Board Secretary

Amy White, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 7:28 p.m. A motion was made by Mr. Sargent and seconded by Ms. Gebhardt that the Board expel **Student Docket No. 11-12** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2010-2011 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 11-12** has:

1. Engaged in conduct which demonstrates that the student's presence at school is detrimental to the health, welfare and safety of other students; and
2. Engaged in conduct in violation of the student's Behavioral Contract, the terms of which allowed the student's enrollment at the school district.
3. Engaged in acts in violation of the District's policies and standards for expected student conduct relating to the possession and/or use of a tobacco product on school property, each of which demonstrate the student's presence at school is disruptive to the educational effectiveness and disruptive of the school's discipline.

The District will work with **Student Docket No. 11-12** to arrange for the student to attempt to complete and obtain credit for the courses that he is currently taking and can complete with a passing grade.

Should **Student Docket No. 11-12** seek to enroll in courses through any other institution during the period of expulsion, the school's administration would agree to meet with the student and parent/legal guardian to discuss what courses are needed for advancement and which would be acceptable for

transcribing to the District. Further, if the student is in need of credit recovery, the student shall be permitted to attend summer school.

Prior to the commencement of the 2011-2012 school year, should the student seek to return to the District, the student and the parent/legal guardian of the student shall be responsible for communicating with the District to schedule a Board reinstatement hearing to allow the Board to consider reinstatement for the 2011-2012 school year.

Prior to engaging in this hearing, the Board directs that **Student Docket No. 11-12** shall:

1. Provide the school's administration with UA testing results, at no cost to the District;
2. Enter into necessary documentation to allow for a free flow of information from any provider and/or probation department solely relating to assistance in the educational program for the student.

During such reinstatement hearing the student and the parent/legal guardian of the student shall be prepared to discuss the activities of the student during the period of expulsion as well as what actions have been taken to assure that this conduct and violation of District policies will not occur in the future should re-enrollment be permitted.

At such hearing the Board will determine if a return to the District is appropriate and if so, at what placement and under what reasonable terms and conditions re-enrollment would be allowed to occur. The voting was unanimous in the affirmative. The Board recessed at 7:31 p.m.

#### **Return to Executive Session – Student Expulsion Hearing:**

Following the recess, a motion was made by Ms. Gebhardt and seconded by Mr. Sargent to reconvene to Executive Session at 7:35 p.m. The roll call vote was unanimous in the affirmative; Mr. Sargent, aye; Mr. Rash, aye; Ms. Gebhardt, aye; Ms. Donnelly, aye.

#### **OTHERS PRESENT:**

##### **Student Docket No. 11-10**

##### **Student Docket No. 11-10 Mother**

Kent Hobbs, Director of Student Support Services

Julian Duffey, Assistant Principal, Century High School

Maurice Canfield, Sergeant, Pocatello Police Department

Rena Johnson, Board Secretary

Amy White, Legal Counsel (by phone)

#### **Return to Open Session:**

The Board returned to Open Session at 8:08 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Rash that the Board expel **Student Docket No. 11-10** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2010-2011 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 11-10** has:

1. Engaged in conduct demonstrating that the student's presence at school is continuously disruptive of school discipline and the instructional effectiveness of the school.
2. Engaged in conduct which demonstrates that the student's presence at school is detrimental to the health, welfare and safety of other students; and
3. That **Student Docket No. 11-10** has violated the school's disciplinary policies, including:
  - a. Possession and/or sale or distribution of unauthorized drugs while on school property.

Which, in the judgment of the Board, demonstrates that the presence of the student is disruptive to the educational effectiveness of the school and continuously disruptive of the school's discipline.

Should **Student Docket No. 11-10** seek to enroll in courses through any other institution during the period of expulsion, the school's administration would agree to meet with the student and parent/legal

guardian to discuss what courses are needed for advancement and which would be acceptable for transcribing to the District. **Student Docket No. 11-10** shall be eligible for participation in summer school for credit recovery, pursuant to an academic and behavioral contract.

Prior to the commencement of the 2011-2012 school year, the student and/or the parent/legal guardian of the student shall be responsible for communicating with the District to schedule a Board reinstatement hearing to allow the Board to consider reinstatement for the 2011-2012 school year.

Prior to engaging in this hearing, the Board directs that **Student Docket No. 11-10** shall:

1. Attend and complete Saturday Drug education classes;
2. Provide UA test results at no cost to the District.
3. Enter into documentation to allow for a free-flow of information between the District and any service provider and/or probation department solely relating to issues impacting upon the student's education.
4. Complete ten (10) hours of community service in addition to any community service ordered by the Court.

During the reinstatement hearing the student and the parent/legal guardian of the student shall be prepared to discuss the activities of the student during the period of expulsion as well as what actions have been taken to assure that this conduct and violation of District policies will not occur in the future should re-enrollment be permitted. It is recommended that the parent/legal guardian provide for this hearing a copy of any drug evaluation report and/or any UA reports that have been completed relating to this student, such report to be obtained at no cost to the District.

At such hearing the Board will determine if a return to the District is appropriate and if so, at what placement and under what reasonable terms and conditions re-enrollment would be allowed to occur. The voting was unanimous in the affirmative. The Board recessed at 8:13 p.m.

**Return to Executive Session – Student Expulsion Hearing:**

Following the recess, a motion was made by Ms. Gebhardt and seconded by Mr. Sargent to reconvene to Executive Session at 8:14 p.m. The roll call vote was unanimous in the affirmative; Mr. Sargent, aye; Mr. Rash, aye; Ms. Gebhardt, aye; Ms. Donnelly, aye.

**OTHERS PRESENT:**

**Student Docket No. 11-11**

**Student Docket No. 11-11** Father

Kent Hobbs, Director of Student Support Services

Maurice Canfield, Sergeant, Pocatello Police Department

Rena Johnson, Board Secretary

Amy White, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 8:19 p.m. A motion was made by Mr. Rash and seconded by Mr. Sargent that due to the evidence presented to the Board of Trustees during the course of the expulsion hearing, which is indicative that **Student Docket 11-11** has:

1. Engaged in acts in violation of the District's policies and standards relating to the possession of a weapon upon school property.
2. Engaged in conduct in violation of state and/or federal law relating to the possession of a weapon on school property.

However, pursuant to the statutory discretion provided to the Board allowing for the deviation of a one year mandatory expulsion for possession of a weapon on school property, and with consideration of the input of the District's Administration, the District's Board has decided to not expel **Student Docket No. 11-11**. The voting was unanimous in the affirmative.

**Adjourn:**

A motion was made by Mr. Sargent and seconded by Mr. Rash to adjourn. The voting was unanimous in the affirmative. The Board adjourned at 8:20 p.m.

**APPROVED ON:**

MARCH 15, 2011

By:

Maurice E. Donnelly  
Chair

**ATTESTED BY:**

Frank [Signature]  
Clerk

**MINUTES PREPARED BY:**

[Signature]  
Secretary, Board of Trustees