

MINUTES OF SPECIAL MEETING/EXECUTIVE SESSION
To Discuss Matters as Allowed by Idaho Code, Section 67-2345 (1b)
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, April 14, 2010

BOARD/SUPERINTENDENT PRESENT:

Marianne Donnelly, Chair, Board of Trustees (Excused)
Janie Gebhardt, Vice Chair, Board of Trustees (Excused)
Frank Rash, Clerk, Board of Trustees – Acting Chair
John Sargent, Member, Board of Trustees
Jackie Cranor, Member, Board of Trustees
Mary M. Vagner, Superintendent

Call to Order/Executive Session – Student Discipline Hearing:

Acting Chair, Frank Rash called the meeting to order at 4:29 p.m. A motion was made by Mr. Sargent and seconded by Ms. Cranor to adjourn to Executive Session. The roll call vote was unanimous in the affirmative; Ms. Cranor, aye; Mr. Sargent, aye; Mr. Rash, aye. The Board adjourned to Executive Session at 4:30 p.m.

Purpose: To discuss student discipline.

The Board proceeded to discuss student discipline as provided in Idaho Code, Section 67-2345 (1b) 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. 10-11

Student Docket No. 10-11 Mother
Susan Pettit, Principal, Irving Middle 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 5:05 p.m. A motion was made by Ms. Cranor and seconded by Mr. Sargent that the Board approve and adopt the recommendation of the District administration and do hereby expel **Student Docket No. 10-11** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2009-2010 school year.

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

1. Engaged in actions in material violation of the District policies and procedures specifically relating tobacco use on school property;
2. Engaged in actions in material violation of the District Board's reasonable conditions for allowing enrollment, in lieu of expulsion as determined at the last expulsion hearing for **Student Docket No. 10-11**, on or about December 9, 2009;

3. Engaged in conduct in violation of his behavioral contract, compliance with such contract was a reasonable condition for allowing enrollment, in lieu of expulsion as determined at the last expulsion hearing for **Student Docket No. 10-11**, on or about December 9, 2009.

Student Docket No. 10-11 shall participate in summer school during the summer of 2010 for credit recovery.

1. Attendance at summer school shall be through a strict behavioral and academic contract, the terms of which are at the sole discretion of the District's administration but shall, at minimum, include the above-referenced components.

Prior to the commencement of the 2010-2011 school year, **Student Docket No. 10-11** and the parent/legal guardian of **Student Docket No. 10-11** shall participate in a re-enrollment hearing with the District's Board. It is the responsibility of **Student Docket No. 10-11** and/or the parent/legal guardian of **Student Docket No. 10-11** to make arrangements to schedule this meeting. At such meeting, the Board shall review whether or not a return to school at that time is appropriate and if re-enrollment is permitted, under what reasonable terms and conditions **Student Docket No. 10-11** shall be permitted to return to the school. During this hearing, **Student Docket No. 10-11** and the parent/legal guardian of **Student Docket No. 10-11** shall be prepared to discuss the activities, including educational endeavors of **Student Docket No. 10-11** during his period of absence as well as what steps have been taken to assure that no further disciplinary matters occur at school if the Student is permitted to re-enroll. The voting was unanimous in the affirmative. The Board recessed at 5:08 p.m.

Return to Executive Session – Student Expulsion Hearing:

Following the recess, a motion was made by Mr. Sargent and seconded by Ms. Cranor to reconvene to Executive Session at 5:28 p.m. The roll call vote was unanimous in the affirmative, Ms. Cranor, aye; Mr. Sargent, aye; Mr. Rash, aye.

OTHERS PRESENT:

Student Docket No. 10-25

Student Docket No. 10-25 Grandmother

Caspar VanHaalen, Assistant Principal, Pocatello High School

Dixie Erickson, Principal, Alameda Center

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 6:22 p.m. A motion was made by Mr. Sargent and seconded by Ms. Cranor that the Board approve and adopt the recommendation of the District's administration and do hereby expel **Student Docket No. 10-25** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2009-2010 school year and the first two trimesters of the 2010-2011 school year.

Such motion is based upon the judgment of the Board of Trustees that Student Docket 10-25 has:

1. Engaged in actions in violation of the District's policies and procedures relating to conduct expectations and requirements at school, specifically with regard to physical aggression and violence.
2. Engaged in conduct which demonstrates that her continued presence at school is a continual disruption of the school's discipline and of the school's instructional effectiveness.
3. Engaged in conduct which demonstrates her presence at school is a danger to the health, welfare and safety of other school students and school personnel.

Prior to the commencement of the third trimester of the 2010-2011 school year, **Student Docket No. 10-25** and/or the parent/legal guardian of **Student Docket No. 10-25** shall be responsible for contacting and communicating with the District to schedule a Board reinstatement hearing to allow the Board to consider reinstatement for the third trimester of the 2010-2011 school year.

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.

Student Docket No. 10-25 and the parent/legal guardian of **Student Docket No. 10-25** shall be prepared to discuss the activities of **Student Docket No. 10-25** during this period of expulsion including what educational

activities, if any, have been pursued and what actions have been taken to assure that there will be no further disciplinary problems should the student return to the school district.

Prior to this hearing, **Student Docket No. 10-25** and the parent/legal guardian of **Student Docket No. 10-25** shall provide the administration with documentation as to the student's activities during the period of expulsion, including a free flow of information with any service or healthcare provider that would have information relevant solely to the issues of the student's education. The voting was unanimous in the affirmative. The Board recessed at 6:25 p.m.

Return to Executive Session – Student Expulsion Hearing:

Following the recess, a motion was made by Mr. Sargent and seconded by Ms. Cranor to reconvene to Executive Session at 6:31 p.m. The roll call vote was unanimous in the affirmative, Ms. Cranor, aye; Mr. Sargent, aye; Mr. Rash, aye.

OTHERS PRESENT:

Student Docket No. 10-26 Not Present

Tom Dickman, Teacher, Alameda Center

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 6:59 p.m. A motion was made by Mr. Sargent and seconded by Ms. Cranor that the Board approve and adopt the recommendation of the District's administration and do hereby expel **Student Docket No. 10-26** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2009-2010 school year and the first two trimesters of the 2010-2011 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 10-26** has:

1. Engaged in actions in violation of the District's policies and procedures relating to the possession of weapons upon school property.
2. Engaged in conduct which demonstrates that his continued presence at school is a continual disruption of the school's discipline and of the school's instructional effectiveness.
3. Engaged in conduct which demonstrates his presence at school is a danger to the health, welfare and safety of other school students and school personnel.

Prior to the commencement of the third trimester of the 2010-2011 school year, **Student Docket No. 10-26** and/or the parent/legal guardian of **Student Docket No. 10-26** shall be responsible for contacting and communicating with the District to schedule a Board reinstatement hearing to allow the Board to consider reinstatement for the third trimester of the 2010-2011 school year.

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.

Student Docket No. 10-26 and the parent/legal guardian of **Student Docket No. 10-26** shall be prepared to discuss the activities of **Student Docket No. 10-26** during this period of expulsion including what educational activities, if any, have been pursued and what actions have been taken to assure that there will be no further disciplinary problems should the student return to the school district.

Prior to this hearing, **Student Docket No. 10-26** and the parent/legal guardian of **Student Docket No. 10-26** shall provide the administration with documentation as to the student's activities during the period of expulsion, including a free flow of information with any service or healthcare provider that would have information relevant solely to the issues of the student's education. The voting was unanimous in the affirmative. The Board recessed at 7:01 p.m.

Return to Executive Session – Student Expulsion Hearing:

Following the recess, a motion was made by Mr. Sargent and seconded by Ms. Cranor to reconvene to Executive Session at 7:04 p.m. The roll call vote was unanimous in the affirmative, Ms. Cranor, aye; Mr. Sargent, aye; Mr. Rash, aye.

OTHERS PRESENT:

Student Docket No. 10-27

Student Docket No. 10-27 Legal Guardian

Dian Swanson, Assistant Principal, Highland High 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 7:46 p.m. A motion was made by Ms. Cranor and seconded by Mr. Sargent that the Board approve and adopt the recommendation of the District's administration and do hereby expel **Student Docket No. 10-27** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2009-2010 school year and the first trimester of the 2010-2011 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 10-27** has:

1. Engaged in actions in violation of the District's drug policies, including but not necessarily limited to possession, distribution and use of illegal drugs while on school property.
2. Engaged in conduct which demonstrates that his continued presence upon the school's property is a continual disruption to the school's instructional effectiveness and discipline of the school.

However, pursuant to the statutory discretion provided to the Board relating to the discipline of students and with consideration of the input of the District's administration, this expulsion shall be held in abeyance at this time and not put into effect contingent upon **Student Docket No. 10-27** meeting the following conditions:

1. **Student Docket No. 10-27** shall return to the discussed school program for the remainder of the 2009-2010 school year.
2. **Student Docket No. 10-27** shall abide by a strict academic and behavioral contract. This contract shall be developed during a meeting between the student, family and the District's administration with the final terms of the Agreement being at the sole discretion of the District's administration.
 - a. This Agreement shall include, at minimum a closed campus for the remainder of this school year.
3. **Student Docket No. 10-27** shall be required to participate in credit recovery, including the option of summer school during the summer of 2010 and provide such documentation to the District.
4. If any social services or health/medical care providers are providing services to the student, **Student Docket No. 10-27** and the family of **Student Docket No. 10-27** shall enter into documentation for a free-flow of information to allow for the exchange of information associated solely with advancing his education and any drug testing results. Such shall include release of information relating to any drug assessments.

Should **Student Docket No. 10-27** fail to meet the above stated conditions, violate any provision of the Behavioral and Academic Contract, or engage in any other infraction of District or School discipline policies, **Student Docket No. 10-27** shall be brought back before the Board of Trustees for consideration of implementation of the expulsion. The voting was unanimous in the affirmative. The Board recessed at 7:50 p.m.

Return to Executive Session – Student Expulsion Hearing:

Following the recess, a motion was made by Mr. Sargent and seconded by Ms. Cranor to reconvene to Executive Session at 7:54 p.m. The roll call vote was unanimous in the affirmative, Ms. Cranor, aye; Mr. Sargent, aye; Mr. Rash, aye.

OTHERS PRESENT:

Student Docket No. 10-28

Student Docket No. 10-28 Grandmother/Guardian

Dian Swanson, Assistant Principal, Highland High 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 8:34 p.m. A motion was made by Ms. Cranor and seconded by Mr. Sargent that the Board approve and adopt the recommendation of the District administration and do hereby expel **Student Docket No. 10-28** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2009-2010 school year and the first trimester of the 2010-2011 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 10-28** has:

1. Engaged in actions in violation of the District’s drug policies, including but not necessarily limited to possession and use of illegal drugs while on school property and/or associated with the school day.
2. Engaged in conduct which demonstrates that his continued presence upon the school’s property is a continual disruption to the school’s instructional effectiveness and discipline of the school.

However, pursuant to the statutory discretion provided to the Board relating to the discipline of students and with consideration of the input of the District’s administration, this expulsion shall be held in abeyance at this time and not put into effect contingent upon **Student Docket No. 10-28** meeting the following conditions:

1. **Student Docket No. 10-28** shall return to Highland High School.
2. **Student Docket No. 10-28** and the family of **Student Docket No. 10-28** shall meet with the Student’s IEP Team and prepare a continued academic and behavioral contract, the terms of which will be established by the IEP Team, including a closed campus provision.
3. **Student Docket No. 10-28** and the family of **Student Docket No. 10-28** shall enter into appropriate documentation to allow for the free flow of information and documentation between the District and any social service provider, juvenile justice and/or any health care or medical care provider with regard to any issue solely relevant to the student’s education, including but not limited to any drug testing results.
4. **Student Docket No. 10-28** shall continue to be subjected to “UA” tests, at no cost to the District, with the reports of such results made to the District’s administration.

Should **Student Docket No. 10-28** fail to meet the above stated conditions, violate any provision of the Behavioral and Academic Contract, or engage in any other infraction of District or School discipline policies, **Student Docket No. 10-28** shall be brought back before the Board of Trustees for consideration of implementation of the expulsion.

Adjourn:

A motion was made by Mr. Sargent and seconded by Ms. Cranor to adjourn. The voting was unanimous in the affirmative. The Board adjourned at 8:37 p.m.

APPROVED ON:

MINUTES PREPARED BY:

By:

Secretary, Board of Trustees

Chair

ATTESTED BY:

Clerk