

**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, May 5, 2010

**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  
Jackie Cranor, Member, Board of Trustees (Excused)  
Mary M. Vagner, Superintendent

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

Chair Donnelly called the meeting to order at 4:30 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Sargent to adjourn to Executive Session. The roll call vote was unanimous in the affirmative; Mr. Rash, aye; Mr. Sargent, aye; Ms. Gebhardt, aye; Ms. Donnelly, aye. The Board adjourned to Executive Session at 4:31 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. 10-33**

**Student Docket No. 10-33** Father  
Jim Harrell, Director of Student Support Services  
Tom Dickman, Teacher, Alameda Center  
Joanne Gehman, Probation Officer  
Maurice Canfield, Sergeant, Pocatello Police Department  
Renae Johnson, Board Secretary  
Bret Walther, Legal Counsel (by phone)

**Return to Open Session**

The Board returned to Open Session at 5:05 p.m. A motion was made by Mr. Rash and seconded by Mr. Sargent that the Board approve and adopt the recommendation of the District Administration and do hereby expel **Student Docket No. 10-33** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2009-2010 school year and for 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. 10-33** has:

1. Engaged in conduct which demonstrates that the student's presence upon the school's property is a continual disruption to the school's instructional effectiveness and discipline 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.

3. Engaged in conduct in violation of the District's discipline policies, specifically with regard to physical aggression, including the striking of a school employee.

Prior to the commencement of the second trimester of the 2010-2011 school year, **Student Docket No. 10-33** and/or the parent/legal guardian of **Student Docket No. 10-33** 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 second 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. 10-33** and the parent/legal guardian of **Student Docket No. 10-33** shall be prepared to discuss the activities of **Student Docket No.10-33** during this period of expulsion including what actions have been taken to assure that there will be no further disciplinary problems should the student return to the school district. 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 Ms. Gebhardt and seconded by Mr. Rash to reconvene to Executive Session at 5:18 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. 08-29**

**Student Docket No. 08-29** Mother

Jim Harrell, Director of Student Support Services

John Crawford, Assistant Principal, New Horizons High School

Maurice Canfield, Sergeant, Pocatello Police Department

Rena Johnson, Board Secretary

Bret Walther, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 5:40 p.m. A motion was made by Mr. Sargent and seconded by Ms. Gebhardt that the Board approve and adopt the recommendation of the District Administration and do hereby expel **Student Docket No. 08-29** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2009-2010 school year and for the entire 2010-2011 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 08-29** has:

1. Engaged in conduct which demonstrates that the student's presence upon the school's property is a continual disruption to the school's instructional effectiveness and discipline 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.

Prior to the commencement of the 2011-2012 school year, **Student Docket No. 08-29** and/or the parent/legal guardian of **Student Docket No. 08-29** 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 2011-2012 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. 08-29** and the parent/legal guardian of **Student Docket No. 08-29** shall be prepared to discuss the activities of **Student Docket No. 08-29** during this period of expulsion including what actions have been taken to assure that there will be no further disciplinary problems should the student return to the school district. The voting was unanimous in the affirmative. The Board recessed at 5:42 p.m.

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

Following the recess, a motion was made by Ms. Gebhardt and seconded by Mr. Rash to reconvene to Executive Session at 5:52 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. 10-34**

**Student Docket No. 10-34** Mother

Jim Harrell, Director of Student Support Services

John Crawford, Assistant Principal, New Horizons High School

Maurice Canfield, Sergeant, Pocatello Police Department

Rena Johnson, Board Secretary

Bret Walther, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 6:23 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Sargent that the Board approve and adopt the recommendation of the District Administration and do hereby place **Student Docket No. 10-34** at Crossroads 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. 10-34** 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.
2. Engaged in conduct in violation of the District's weapons policy by bringing a dangerous instrument, bullets, upon school property.

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, a placement hearing for **Student Docket No. 10-34** shall take place prior to the commencement of the 2010-11 school year. It is the responsibility of the student and/or the parent/legal guardian of **Student Docket No. 10-34** to timely request and attend this meeting. **Student Docket No. 10-34** shall meet the following conditions:

1. **Student Docket No. 10-34** shall attend Crossroads for the remainder of the 2009-2010 school year.
2. **Student Docket No. 10-34** and the family of **Student Docket No. 10-34** shall meet with the District and School Administration and an appropriate behavioral and academic contract will be prepared. The final terms and conditions of this contract will be at the sole discretion of the school's administration.

Should **Student Docket No. 10-34** 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. 10-34** shall be brought back before the Board of Trustees for consideration of an expulsion. 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 Ms. Gebhardt and seconded by Mr. Rash to reconvene to Executive Session at 6:37 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. 10-35**

**Student Docket No. 10-35** Mother

**Student Docket No. 10-35** Stepfather

Jim Harrell, Director of Student Support Services

Tonya Wilkes, Assistant Principal, Irving Middle School

Maurice Canfield, Sergeant, Pocatello Police Department

Rena Johnson, Board Secretary

Bret Walther, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 7:24 p.m. A motion was made by Mr. Sargent and seconded by Ms. Gebhardt that the Board approve and adopt the recommendation of the District Administration and do hereby expel **Student Docket No. 10-35** 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. 10-35** 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.
2. Engaged in actions in violation of the District's policies, specifically vandalism against school property.

Prior to the commencement of the 2010-2011 school year, **Student Docket No. 10-35** and/or the parent/legal guardian of **Student Docket No. 10-35** 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 2010-2011 school year. Before this hearing Student Docket No. 10-35 shall at minimum complete the following:

1. **Student Docket No. 10-35** shall complete a fire safety course through the Fire Marshall at no cost to the District.
2. **Student Docket No. 10-35** shall enter into a Behavioral and Academic Contract the terms of which shall be at the sole discretion of the District's administration.
3. **Student Docket No. 10-35** shall have completed community service through the court.

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. 10-35** and the parent/legal guardian of **Student Docket No. 10-35** shall be prepared to discuss the activities of **Student Docket No. 10-35** during this period of expulsion including what actions have been taken to assure that there will be no further disciplinary problems should the student return to the school district. The voting was unanimous in the affirmative. The Board recessed at 7:26 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 7:30 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. 10-36**

##### **Student Docket No. 10-36 Mother**

Jim Harrell, Director of Student Support Services

Tonya Wilkes, Assistant Principal, Irving Middle School

Maurice Canfield, Sergeant, Pocatello Police Department

Renae Johnson, Board Secretary

Bret Walther, Legal Counsel (by phone)

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

The Board returned to Open Session at 8:17 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Rash that the Board approve and adopt the recommendation of the District Administration and do hereby expel **Student Docket No. 10-36** 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. 10-36** 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.
2. Engaged in actions in violation of the District's policies, specifically physical aggression and/or violence, specifically directed at another student.

However, at the discretion of the Board, **Student Docket No. 10-36** shall be permitted to complete the student's educational activities for the remainder of the 2009-2010 school year through homebound instruction. Such

homebound instruction shall be arranged through communications and a meeting with the District's Administrative personnel.

Prior to the commencement of the 2010-2011 school year, **Student Docket No. 10-36** and/or the parent/legal guardian of **Student Docket No. 10-36** 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 2010-2011 school year and shall have completed the following:

1. **Student Docket No. 10-36** shall attend Summer school for any necessary credit recovery
2. **Student Docket No. 10-36** shall enter into a Behavioral and Academic Contract the terms of which shall be at the sole discretion of the District's administration.

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. 10-36** and the parent/legal guardian of **Student Docket No. 10-36** shall be prepared to discuss the activities of **Student Docket No. 10-36** during this period of expulsion including what actions have been taken to assure that there will be no further disciplinary problems should the student return to the school district. The voting was unanimous in the affirmative. The Board recessed at 8:20 p.m.

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

Following the recess, a motion was made by Ms. Gebhardt and seconded by Mr. Rash to reconvene to Executive Session at 8:27 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. 10-37**

**Student Docket No. 10-37** Father

Jim Harrell, Director of Student Support Services

Tonya Wilkes, Assistant Principal, Irving Middle School

Andrew Lake, Interpreter

Maurice Canfield, Sergeant, Pocatello Police Department

Renae Johnson, Board Secretary

Bret Walther, Legal Counsel (by phone)

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

The Board returned to Open Session at 9:21 p.m. A motion was made by Mr. Rash and seconded by Ms. Gebhardt that the Board approve and adopt the recommendation of the District Administration and do hereby expel **Student Docket No. 10-37** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2009-2010 school year with the exception of **Student Docket No. 10-37's** ELL courses which he shall attend at Alameda Center under the direction of the District's administration.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 10-37** has:

1. Engaged in conduct which demonstrates that the student's presence upon the school's property is a continual disruption to the school's instructional effectiveness and discipline 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.
3. Engaged in actions in violation of the District's policies relating to the use, possession of or distribution of drugs upon school property.

Prior to the commencement of the 2010-2011 school year, **Student Docket No. 10-37** and/or the parent/legal guardian of **Student Docket No. 10-37** 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 2010-2011 school year and will complete the following :

1. **Student Docket No. 10-37** shall attend Summer school for the purpose of credit recovery 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.

**Student Docket No. 10-37** and the parent/legal guardian of **Student No. Docket 10-37** shall be prepared to discuss the activities of **Student Docket No. 10-37** during this period of expulsion including what actions have been taken to assure that there will be no further disciplinary problems should the student return to the school district. The voting was unanimous in the affirmative.

**Adjourn:**

A motion was made by Ms. Gebhardt and seconded by Mr. Sargent to adjourn. The voting was unanimous in the affirmative. The Board adjourned at 9:27 p.m.

**APPROVED ON:**

**MINUTES PREPARED BY:**

\_\_\_\_\_  
**By:**

\_\_\_\_\_  
**Secretary, Board of Trustees**

\_\_\_\_\_  
**Chair**

**ATTESTED BY:**

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**Clerk**