

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 in Open Session)
Pocatello/Chubbuck School District No. 25
County of Bannock – State of Idaho

Superintendent's Office at the Education Service Center
Wednesday, February 20, 2013
4:30 p.m.

BOARD/SUPERINTENDENT PRESENT:

Janie Gebhardt, Chair, Board of Trustees
John Sargent, Vice Chair, Board of Trustees (Excused at 6:30 p.m.)
Jackie Cranor, Clerk, Board of Trustees
Jim Facer, Member, Board of Trustees
Paul Vitale, Member, Board of Trustees
Mary M. Vagner, Superintendent

Call to Order/Executive Session – Student Discipline:

Chair Gebhardt called the meeting to order at 4:32 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: Mr. Vitale, aye; Mr. Facer, aye; Mr. Sargent, aye; Ms. Cranor, aye; Ms. Gebhardt, aye. The Board adjourned to Executive Session at 4:32 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. 13-15 (*Not Present*)
Student Docket No. 13-16 (*Not Present*)
Student Docket No. 13-17 (*Not Present*)
Student Docket No. 13-18 (*Not Present*)
Kent Hobbs, Director of Student Support Services
Mark Daniels, SRO, Pocatello Police Department
Tara Jensen, Acting Board Secretary
Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 4:39 p.m. No action was taken on Student Discipline at the time of the meeting. The Board recessed at 4:40 p.m.

Return to Executive Session – Student Discipline:

Following the recess, a motion was made by Mr. Sargent and seconded by Mr. Facer to reconvene to Executive Session at 4:50 p.m. The roll call vote was unanimous in the affirmative: Mr. Vitale, aye; Mr. Facer, aye; Mr. Sargent, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket 13-05
Student Docket 13-05 Mother
Kent Hobbs, Director of Student Support Services

Mark Daniels, SRO, Pocatello Police Department
Tara Jensen, Acting Board Secretary
Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 5:15 p.m. A motion was made by Ms. Cranor and seconded by Mr. Vitale that the Board allow reinstatement for **Student Docket No. 13-05** at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2012-13 school year.

As provided by Idaho Code 33-205, a Board of Trustees may establish reasonable conditions for a student's re-enrollment to a District. Accordingly, this reinstatement is conditioned upon the following:

1. **Student Docket No. 13-05** shall be enrolled at Highland High School.
2. The parent/legal guardian of Student Docket 13-05 and the student shall attend a meeting with the District's Administration at which time the student shall enter into a strict academic and behavioral contract, the terms of which will be established during the meeting. The final terms and provisions of the Contract shall be at the sole discretion of the administration. However, the Board would like such Contract to include, at minimum, provisions relating to the following issues:
 - i. Requirement that during the third trimester she be subjected to a closed campus.
 - ii. The student shall be provided with access to a counselor or other adult to address in-school issues of anger management.
3. The student shall be eligible to attend summer school, at no cost to the District for credit recovery.
4. The student shall retain access to PLATO to complete the courses the student has started, either during the course of the third trimester or during summer school.
5. The family shall enter into appropriate paperwork to allow for the school district to have access to any social services information and/or any information from the probation department that permits a free flow of information between the providers/probation and the District with regard to matters impacting upon the education of the student.

Should **Student Docket No. 13-05** fail to meet the above stated conditions, violate any provision of the Behavioral and Academic Contract, or engage in any other major infraction of District or School Discipline Policies, **Student Docket No. 13-05** shall be brought back before the Board of Trustees for consideration of expulsion and revocation of the reinstatement to school. The voting was unanimous in the affirmative. The Board recessed at 5:18 p.m.

Return to Executive Session – Student Discipline:

Following the recess, a motion was made by Mr. Sargent and seconded by Mr. Vitale to reconvene to Executive Session at 5:20 p.m. The roll call vote was unanimous in the affirmative: Mr. Vitale, aye; Mr. Facer, aye; Mr. Sargent, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket No. 13-06

Student Docket No. 13-06 Mother

Student Docket No. 13-06 Father

Kelly Kumm, Attorney, Kumm Law Offices

Candice Camper, Director of Family Services, Village Cooperative, LLC

Kent Hobbs, Director of Student Support Services

Dixie Erickson, Assistant Principal, Hawthorne Middle School

Mark Daniels, SRO, Pocatello Police Department

Tara Jensen, Acting Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 5:53 p.m. A motion was made by Mr. Vitale and seconded by Mr. Sargent that the Board allow reinstatement for **Student Docket No. 13-06** at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2012-13 school year.

As provided by Idaho Code 33-205, a Board of Trustees may establish reasonable conditions for a student's re-enrollment to a District. Accordingly, this reinstatement is conditioned upon the following:

1. **Student Docket No. 13-06** shall return to the student's middle school placement.
2. The parent/legal guardian of **Student Docket No. 13-06** and the student shall attend a meeting with the District's Administration at which time the student shall enter into a strict academic and behavioral contract, the terms of which will be established during the meeting. The final terms and provisions of the Contract shall be at the sole discretion of the administration. However, the Board would like the terms of the contract to reflect the information contained in the student's letter to the Board and his statements to the Board during the hearing. Additionally, the Board would like such Contract to include, at minimum, provisions relating to the following issues:
 - a. Requirement relating to disciplinary incidents and how such will impact the student's eligibility to participate in athletics.
 - b. The student shall be assigned to a counselor or other adult at the school for the student to work with to address any in-school anger management issues.
 - c. Provision allowing for contract amendment for the 9th grade student's attendance for the 2013-2014 school year.
3. During the administrative meeting, a review will be conducted of the student's credit status in light of advancement to the 9th grade and possible transfer of credits earned during the period of expulsion.
 - a. If the student is in need of credit recovery for advancement to 9th grade and the student has demonstrated success on the student's academic and behavioral plan, the student shall attend summer school for credit recovery, at no cost to the District.
4. Should the student be provided any social services or health care services or be under the purview of the juvenile probation department, documentation shall be entered into which permits a free flow of information between these individuals or providers and the school, only with regard to matters impacting upon the student's education.

Should **Student Docket No. 13-06** fail to meet the above stated conditions, violate any provision of the Behavioral and Academic Contract, or engage in any other major infraction of District or School Discipline Policies, **Student Docket No. 13-06** shall be brought back before the Board of Trustees for consideration of expulsion and revocation of the reinstatement to school. The voting was unanimous in the affirmative. The Board recessed at 5:57 p.m.

Return to Executive Session – Student Discipline:

Following the recess, a motion was made by Ms. Cranor and seconded by Mr. Facer to reconvene to Executive Session at 6:01 p.m. The roll call vote was unanimous in the affirmative: Mr. Vitale, aye; Mr. Facer, aye; Mr. Sargent, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket No. 13-19

Student Docket No. 13-19 Mother

Kent Hobbs, Director of Student Support Services

Robert Parker, Assistant Principal, Pocatello High School

Mark Daniels, SRO, Pocatello Police Department

Tara Jensen, Acting Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 6:27 p.m. A motion was made by Mr. Facer and seconded by Ms. Cranor that the Board expel **Student Docket No. 13-19** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2012-13 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 13-19** has:

1. Engaged in conduct in violation of the District's Student Discipline Policy relating to the possession of a knife on school property;

2. Engaged in conduct in violation of state and federal laws with regard to the possession of a knife on school property; and
3. Engaged in conduct which, in the judgment of the Board, is detrimental to the health, safety and welfare of other pupils.

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 and not put into place contingent upon **Student Docket No. 13-19** meeting the following conditions:

1. The student shall return to the student's school placement.
2. Attendance shall be pursuant to a strict academic and behavioral contract. Such contract shall be the same contract addressed at the student's DDRC Hearing if such is consistent with the IEP team approval.
 - a. The Board requests that the IEP team, when reviewing the DDRC Contract also consider the following:
 - i. A requirement of random searches of the student's locker and property while on school property and the parent/guardian inspecting the person and property of the student prior to the student leaving for school each day.
 - ii. Attendance expectations.
 - iii. Academic expectations
 - iv. Consideration of Summer School attendance, at no cost to the District, should the student be in need of credit recovery.
 - v. Consideration of student access to and participation in after school academic assistance programs.
3. Should the student be provided any social services or health care services or be under the purview of the juvenile probation department, documentation will be entered into which permits a free flow of information between these individuals or providers and the school, only with regard to matters which impact upon his education.

Should **Student Docket No. 13-19** engage in any other infraction of District or School Discipline Policies, or fail to fulfill the reasonable terms and conditions established by the Board for continued enrollment, the student shall be brought back before the Board of Trustees for consideration of implementation of the expulsion held in abeyance. The voting was unanimous in the affirmative. The Board recessed at 6:30 p.m.

Return to Executive Session – Student Discipline:

Following the recess, a motion was made by Ms. Cranor and seconded by Mr. Facer to reconvene to Executive Session at 6:42 p.m. The roll call vote was unanimous in the affirmative: Mr. Vitale, aye; Mr. Facer, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket No. 13-20

Student Docket No. 13-20 Mother

Student Docket No. 13-20 Father

Student Docket No. 13-21

Student Docket No. 13-21 Mother

Student Docket No. 13-22

Student Docket No. 13-22 Mother

Student Docket No. 13-22 Father

Kent Hobbs, Director of Student Support Services

Mike Roberts, Assistant Principal, Highland High School

Mark Daniels, SRO, Pocatello Police Department

Tara Jensen, Acting Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 7:27 p.m. and excused **Student Docket No. 13-21** and **Student Docket No. 22** and their families. The Board recessed at 7:27 p.m.

Return to Executive Session – Student Discipline:

Following the recess, a motion was made by Ms. Cranor and seconded by Mr. Facer to reconvene to Executive Session at 7:29 p.m. The roll call vote was unanimous in the affirmative: Mr. Vitale, aye; Mr. Facer, aye; Mr. Cranor, aye; Ms. Gebhardt, aye.

Return to Open Session:

The Board returned to Open Session at 7:54 p.m. and excused **Student Docket No. 13-20** and the family of the student. The Board recessed at 7:54 p.m. **Student Docket No. 13-21** and the family of the student returned to the hearing.

Return to Executive Session:

Following the recess, a motion was made by Mr. Facer and seconded by Mr. Vitale to reconvene to Executive Session at 7:56 p.m. The roll call vote was unanimous in the affirmative: Mr. Vitale, aye; Mr. Facer, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

Return to Open Session:

The Board returned to Open Session at 8:16 p.m. and excused **Student Docket No. 13-21** and the family of the student. **Student Docket No. 13-22** and the family of the student returned to the hearing.

Return to Executive Session:

Following the recess, a motion was made by Mr. Facer and seconded by Ms. Cranor to reconvene to Executive Session at 8:18 p.m. The roll call vote was unanimous in the affirmative: Mr. Vitale, aye; Mr. Facer, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

Return to Open Session:

The Board returned to Open Session at 8:33 p.m. and excused **Student Docket No. 13-22** and the family of the student.

Return to Executive Session:

Following the recess, a motion was made by Mr. Vitale and seconded by Mr. Facer to reconvene to Executive Session at 8:37 p.m. The roll call vote was unanimous in the affirmative: Mr. Vitale, aye; Mr. Facer, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

Return to Open Session:

The Board returned to Open Session at 9:00 p.m. A motion was made by Mr. Facer and seconded by Mr. Vitale that the Board expel **Student Docket No. 13-20, Student Docket No. 13-21 and Student Docket No. 13-22** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the 2012-13 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 13-20, Student Docket No. 13-21 and Student Docket No. 13-22** has:

1. Engaged in conduct which violated District Policy No. 8210, Student Discipline and Policy No. 8153 relating to fighting and physical aggression.
2. Engaged in conduct which in the judgment of the Board is detrimental to the health, welfare and safety of other pupils.

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 and not put into place contingent upon **Student Docket No. 13-20, Student Docket No. 13-21 and Student Docket No. 13-22** meeting the following conditions:

1. The students shall engage in educational services through the remainder of the second trimester through Homebound services, provided at a public location.
 - a. The students will be permitted back on the school's property during this time to take final exams. The administration will work with **Student Docket No. 13-22** to see if credits can be combined or recovered for the second trimester.

- b. During the period of Homebound educational services, the students shall complete 10 hours of community service with an outside agency, separate and apart from any community service ordered by any court or other law enforcement.
 - i. Proof of completion of community service must be provided prior to the students being allowed to return to regular school placement.
 - c. Upon return to school, the students shall complete an additional 10 hours of community service either with an outside agency or arranged through the school. Such service shall be in addition to any community service ordered by any court or law enforcement.
 - i. The additional 10 hours of community service must be completed by the students during the first month of the third trimester.
2. A meeting shall be held between the administration, the students and the families of the students to address separate Behavioral and Academic Contracts for each of the students for the remainder of their schooling at the District. The final terms and conditions of the contracts shall be at the sole discretion of the District's administration and subject to an annual review and/or modification. However, at a minimum, the Board would request the following matters be addressed:
 - a. Attendance expectations
 - b. Behavioral expectations
 - c. Academic expectations
 3. At the commencement of the third trimester, and with the academic and behavioral contract in place, the students may return to their regular school placements for the commencement of the third trimester.
 4. Should the students be provided any social services or health care services or be under the purview of the juvenile probation department, documentation will be entered into which permits a free flow of information between these individuals or providers and the school, only with regard to matters which impact upon their education.

Should **Student Docket No. 13-20**, **Student Docket No. 13-21** or **Student Docket No. 13-22** engage in **any other infraction** of District or School Discipline Policies, the student(s) shall be brought back before the Board of Trustees for consideration of implementation of the expulsion. Mr. Vitale, Mr. Facer, and Ms. Gebhardt voted in the affirmative. Ms. Cranor was opposed.

Adjourn:

A motion was made by Mr. Facer and seconded by Mr. Vitale to adjourn. The voting was unanimous in the affirmative. The Board adjourned at 9:10 p.m.

APPROVED ON:

MARCH 19, 2013

By:

Jemie A Gebhardt
Chair

MINUTES PREPARED BY:

[Signature]
Secretary, Board of Trustees

ATTESTED BY:

[Signature]
Clerk