

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, October 13, 2010

BOARD/SUPERINTENDENT PRESENT:

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

Call to Order/Executive Session – Student Expulsion Hearing:

Chair Donnelly called the meeting to order at 4:32 p.m. A motion was made by Ms. Cranor and seconded by Mr. Rash to adjourn to Executive Session. The roll call vote was unanimous in the affirmative; Mr. Sargent, aye; Ms. Cranor, aye; Mr. Rash, aye; Ms. Donnelly, aye. The Board adjourned to Executive Session at 4:33 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. 09-23

Student Docket No. 09-23 Mother

Kent Hobbs, Director of Student Support Services
Keith Barnes, Principal, New Horizon 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 5:12 p.m. A motion was made by Mr. Rash and seconded by Mr. Sargent that the Board expel **Student Docket No. 09-23** from attendance at the Pocatello/Chubbuck School District for the remainder of the 2010-2011 school year.

This motion is based upon the judgment of the Board of Trustees that **Student Docket No. 09-23** has:

1. Engaged in conduct which demonstrates that the student's presence at school is continuously disruptive of the school's discipline and 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;
3. That **Student Docket No. 09-23** has repeatedly violated disciplinary policies established by this Board, in this particular situation the school's vandalism policy; and
4. That **Student Docket No. 09-23** violated the established behavioral and academic contract.

The above also are a violation of the reasonable conditions established by this Board on or about August 25, 2010, permitting **Student Docket No. 09-23** to re-enroll at the District subsequent to a previous expulsion and also serves as a basis to revoke the decision to allow re-enrollment for the 2010-2011 school year.

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. 09-23** meeting the following conditions:

1. **Student Docket No. 09-23** shall attend the next block of the school year through homebound instruction.
2. Attendance shall be pursuant to a strict academic and behavioral contract, the terms of which are to be set at the sole discretion of the District's Administration. In order to establish this behavioral and academic contract, the student and the parent/legal guardian of the student shall attend a meeting with the School and District's Administration. This meeting must be scheduled consistent with the commencement of the second block of school and the commencement of homebound instruction.
3. A reinstatement hearing shall be held immediately prior to the conclusion of the second block to consider a return to the school for the remainder of the school year and any reasonable conditions that would be necessary to consider reinstatement to a school setting as well as what changes and steps have occurred to assure that these problems will not continue in the future.
4. The student shall successfully complete an additional 10 hours of community service at the same facilities and providers he is already servicing. Documentation of such completion shall be provided prior to the reinstatement hearing.
5. The student and the parent/legal guardian of the student 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 and the probation department that would have information relevant solely to the issues of the student's education, including the counseling activities addressed during the hearing.

Should **Student Docket No. 09-23** 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. 09-23** 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 5:18 p.m.

Return to Executive Session – Student Expulsion Hearing:

Following the recess, a motion was made by Ms. Cranor and seconded by Mr. Sargent 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. Cranor, aye; Ms. Donnelly, aye.

OTHERS PRESENT:

Student Docket No. 11-02

Student Docket No. 11-02 Mother

Student Docket No. 11-02 Boyfriend of Mother

Kent Hobbs, Director of Student Support Services
Sheryl Brockett, 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 5:52 p.m. A motion was made by Mr. Sargent and seconded by Ms. Cranor that the Board expel **Student Docket No. 11-02** from attendance at the Pocatello/Chubbuck School District for the remainder of the 2010-2011 school year.

This motion is based upon the judgment of the Board of Trustees that **Student Docket No. 11-02** has:

1. Engaged in conduct which demonstrates that the student's presence at school is continuously disruptive of the school's discipline and 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;
3. That **Student Docket No. 11-02** has repeatedly violated disciplinary policies established by this Board, in this particular situation the school violence and threats of violence policy; and
4. That **Student Docket No. 11-02** violated the established Behavioral and Academic contract.

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. 11-02** meeting the following conditions:

1. **Student Docket No. 11-02** shall attend Crossroads for a minimum period through the end of the next block.
2. Attendance shall be pursuant to a strict Academic and Behavioral contract, and the existing contract shall be revisited to address modifications of the terms. In order to establish this Behavioral and Academic contract, the student and the parent/legal guardian of the student shall attend a meeting with the School and District's Administration. This meeting must be scheduled upon commencement at Crossroads.
3. At the conclusion of the next block, an analysis and administrative hearing shall be held to address a placement for the second trimester of the school year. At such hearing, a determination will be made as to if and when a change in placement is appropriate, the appropriate placement and under what conditions the student's new placement could occur.
4. The student shall successfully complete 20 hours of community service, in a setting established by Officer Fry and in a setting which will give the student insight into his actions. Documentation of such completion shall be provided prior to the reinstatement hearing.
5. The student and the parent/legal guardian of the student shall enter into appropriate documentation to allow for a free flow of information with any service provider or social provider/probation department that relate directly to the education of the student.

Should **Student Docket No. 11-02** 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. 11-02** 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 5:56 p.m.

Return to Executive Session – Student Expulsion Hearing:

Following the recess, a motion was made by Ms. Cranor and seconded by Mr. Sargent to reconvene to Executive Session at 6:10 p.m. The roll call vote was unanimous in the affirmative; Mr. Sargent, aye; Mr. Rash, aye; Ms. Cranor, aye; Ms. Donnelly, aye.

OTHERS PRESENT:

Student Docket No. 10-15 (Not Present)

Student Docket No. 10-15 Brother

Student Docket No. 10-15 Sister-in-law

Kent Hobbs, Director of Student Support Services

Pat Tiede, 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 6:31 p.m. A motion was made by Ms. Cranor and seconded by Mr. Rash that the Board expel **Student Docket No. 10-15** from attendance at the Pocatello/Chubbuck School District for the remainder of the 2010-11 school year.

This motion is based upon the judgment of the Board of Trustees that **Student Docket No. 10-15** has:

1. Engaged in actions in violation of the District's policies relating to expected conduct, specifically fighting on school property;
2. 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;
3. Engaged in conduct which demonstrates that the student's presence at school is detrimental to the health, welfare and safety of other students.

Due to the educational status of the student, educational services will continue to be provided during the period of expulsion. The IEP team for **Student Docket No. 10-15** shall convene and determine appropriate alternative educational placements for the student for the remainder of the school year. The Board would request the team consider homebound placement for the student for the maximum period of 45 days as one of the appropriate placements for consideration. The IEP team shall determine details for the provision of such educational services. Until such time as the IEP team makes an appropriate placement determination, the student shall be in a stay-put status.

During the period of expulsion, the Board would request the IEP team consider requiring a period of community service as well as a review of the releases for informational exchanges.

Should **Student Docket No. 10-15** or the parent/legal guardian of **Student Docket No. 10-15** seek to obtain information relating to GED options, school personnel would meet with the parent/legal guardian to address information relating to that option.

Prior to the commencement of the 2011-2012 school year, should **Student Docket No. 10-15** seek to return to the District for schooling, the student shall participate in a reinstatement hearing before the Board to determine if a return to school is appropriate and if so, under what reasonable terms and conditions. This hearing shall only occur after a meeting of the student's IEP team for a discussion and determination as to possible appropriate placement and terms for a possible return to school.

During this hearing the student and parent/legal guardian shall be prepared to discuss the educational and remedial activities engaged in by the student during the absence from school and what steps have been taken to prevent further disciplinary problems if allowed to return to school. The voting was unanimous in the affirmative. The Board recessed at 6:34 p.m.

Return to Executive Session – Student Reinstatement Hearing:

Following the recess, a motion was made by Ms. Cranor and seconded by Mr. Sargent to reconvene to Executive Session at 6:40 p.m. The roll call vote was unanimous in the affirmative; Mr. Sargent, aye; Mr. Rash, aye; Ms. Cranor, aye; Ms. Donnelly, aye.

OTHERS PRESENT:

Student Docket No. 10-54

Student Docket No. 10-54 Uncle/Legal Guardian

Kent Hobbs, Director of Student Support Services

Keith Barnes, Principal, New Horizon High School

Caspar VanHaalen, Assistant Principal, Pocatello High School

Maurice Canfield, Sergeant, Pocatello Police Department

Rena Johnson, Acting Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 7:04 p.m. A motion was made by Mr. Rash and seconded by Ms. Cranor that based upon the information presented to the District Board of Trustees during the reinstatement hearing for **Student Docket No. 10-54**, held on October 13, 2010, I hereby move that the Board reinstate **Student Docket No. 10-54** to the Pocatello/Chubbuck School District commencing with the second block of the 2010-2011 school year.

Idaho Code 33-205 provides that a Board may establish reasonable conditions for a student's re-enrollment to a District. This reinstatement is conditioned upon the following reasonable conditions being met:

1. **Student Docket No. 10-54** shall be enrolled at New Horizon's High School commencing on Monday, October 18, 2010 to complete the second block. Thereafter, upon completion of the second block, **Student Docket No. 10-54** shall be eligible to transfer to Pocatello High School for the commencement of the second trimester.
2. **Student Docket No. 10-54** and the parent/legal guardian shall meet with District Administration for development of a strict Behavior and Academic contract. The student is required to follow the terms as a condition of enrollment. The terms shall be at the sole discretion of the administration. However, the Board would like such Contract to include, at minimum, the following requirements:
 - i. The student is not to touch any other student or employee and not to expose himself to any other student or employee.
 - ii. The plan shall include an expectation of the student maintaining a "B" average but requiring maintaining nothing less than a "C" average.
3. **Student Docket No. 10-54** shall engage in credit recovery, either through summer school or some other alternative means, if necessary to obtain the credits unearned during expulsion.
4. **Student Docket No. 10-54** and the parent/legal guardian of **Student Docket No. 10-54** shall enter into appropriate and necessary documentation to allow for a free flow of information between any service or health/mental health care provider and the District relative of any issue pertinent to his education.

Should **Student No. 10-54** 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 No. 10-54** 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.

Adjourn:

A motion was made by Ms. Cranor and seconded by Mr. Rash to adjourn. The voting was unanimous in the affirmative. The Board adjourned at 7:07 p.m.

APPROVED ON:

MINUTES PREPARED BY:

By:

Secretary, Board of Trustees

Chair

ATTESTED BY:

Clerk