

**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  
3:00 p.m.  
Wednesday, February 24, 2010

**BOARD/SUPERINTENDENT PRESENT:**

Marianne Donnelly, Chair, Board of Trustees  
Janie Gebhardt, Vice Chair, Board of Trustees (Excused at 6:47 p.m.)  
Frank Rash, Clerk, Board of Trustees  
John Sargent, Member, Board of Trustees (Excused)  
Jackie Cranor, Member, Board of Trustees  
Mary M. Vagner, Superintendent

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

Chair Donnelly called the meeting to order at 3:07 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. Cranor, aye; Ms. Gebhardt, aye; Mrs. Donnelly, aye. The Board adjourned to Executive Session at 3:08 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. 10-23**  
**Student Docket No. 10-23** Father  
**Student Docket No. 10-23** Stepmother  
Jim Harrell, Director of Student Support Services  
Jim Denton, Principal, Tyhee Elementary  
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 3:39 p.m. A motion was made by Ms. Cranor and seconded by Ms. Gebhardt that the Board approve and adopt the recommendation of the DDRC and District Superintendent and do hereby expel **Student Docket No. 10-23** 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. 10-23** has:

1. Engaged in actions in violation of the District's policies and procedures relating to the possession of a weapon 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, this expulsion shall be held in abeyance at this time and not put into effect contingent upon **Student Docket No. 10-23** meeting the following conditions:

1. **Student Docket No. 10-23** shall return to Tyhee Elementary School for the remainder of the 2009-2010 school year.
2. Attendance at Tyhee Elementary School shall be through a strict Academic and Behavioral Contract, the terms of which shall be established during a meeting between **Student Docket No. 10-23**, the Parent/Legal Guardian of **Student Docket No. 10-23**, the School's administration and members of the IEP team for **Student Docket No. 10-23**.
3. **Student Docket No. 10-23** shall not be in possession of any knife or any other weapon upon school property and shall report to the school's administration if he learns of any other student with a weapon on school property.
4. **Student Docket No. 10-23** and the family of **Student Docket No. 10-23** shall review the items **Student Docket No. 10-23** is in possession of prior to **Student Docket No. 10-23** leaving for school. If **Student Docket No. 10-23** is in possession of a knife or any other weapon, such shall be kept by the parent of **Student Docket No. 10-23** and shall not be delivered onto any school property.
5. **Student Docket No. 10-23** shall prepare and deliver to the school's principal a letter of apology for his actions in bringing a knife, concealing the knife and failing to be truthful when asked about the knife as well as explaining to the principal why such actions were improper and unsafe to himself and to others.

Should **Student Docket No. 10-23** 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. 10-23** 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 3:43 p.m.

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

Following the recess, a motion was made by Ms. Gebhardt and seconded by Ms. Cranor to reconvene to Executive Session at 3:48 p.m. The roll call vote was unanimous in the affirmative, Mr. Rash, aye; Ms. Cranor, aye; Ms. Gebhardt, aye; Mrs. Donnelly, aye.

#### **OTHERS PRESENT:**

**Student Docket No. 10-24**

**Student Docket No. 10-24** Mother

**Student Docket No. 10-24** Grandmother

Jim Harrell, Director of Student Support Services

Jim Denton, Principal, Tyhee Elementary

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 4:26 p.m. A motion was made by Mr. Rash and seconded by Ms. Cranor that the Board approve and adopt the recommendation of the DDRC and District Superintendent and do hereby expel **Student Docket No. 10-24** 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. 10-24** has:

1. Engaged in actions in violation of the District's policies and procedures relating to the possession of a weapon upon school property.
2. Engaged in actions in violation of state and federal laws relating to the possession of a weapon 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, this expulsion shall be held in abeyance at this time and not put into effect contingent upon **Student Docket No. 10-24** meeting the following conditions:

1. **Student Docket No. 10-24** shall return to Tyhee Elementary School for the remainder of the 2009-2010 school year.
2. Attendance at Tyhee Elementary School shall be through a strict Academic and Behavioral Contract, the terms of which shall be established during a meeting between **Student Docket No. 10-24**, the Parent/Legal Guardian of **Student Docket No. 10-24** and the School's administration. The final terms and conditions of this contract shall be at the sole discretion of the District's administration.
3. **Student Docket No. 10-24** shall not be in possession of any knife or any other weapon upon school property. If **Student Docket No. 10-24** discovers that he is in possession of a knife or any other weapon, he is required to report this to the school's principal or his classroom teacher, giving the knife or weapon to this individual for return to the parent of **Student Docket No. 10-24**.
4. If **Student Docket No. 10-24** learns that any other student at school is in possession of a knife or other weapon he is to report this to the school principal or his teacher.
5. **Student Docket No. 10-24** and the family of **Student Docket No. 10-24** shall review the items **Student Docket No. 10-24** is in possession of prior to **Student Docket No. 10-24** leaving for school. If **Student Docket No. 10-24** is in possession of a knife or any other weapon, such shall be kept by the parent of **Student Docket No. 10-24** and shall not be delivered onto any school property.
6. **Student Docket No. 10-24** shall prepare a letter to the principal. In this letter, **Student Docket No. 10-24** shall apologize for the possession and displaying of this knife to another student and explain his understanding of the reason that this action was inappropriate and that he or other students could be in danger of harm due to such actions.

Should **Student Docket No. 10-24** 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. 10-24** 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 4:29 p.m.

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

Following the recess, a motion was made by Ms. Gebhardt and seconded by Ms. Cranor to reconvene to Executive Session at 4:35 p.m. The roll call vote was unanimous in the affirmative, Mr. Rash, aye; Ms. Cranor, aye; Ms. Gebhardt, aye; Mrs. Donnelly, aye.

#### **OTHERS PRESENT:**

**Student Docket No. 10-20**

**Student Docket No. 10-20** Mother

Jim Harrell, Director of Student Support Services

Jeff Brandt, Assistant Principal, Hawthorne Middle School

Matt Harris, SRO, 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 5:36 p.m. A motion was made by Ms. Gebhardt and seconded by Ms. Cranor that the Board approve and adopt the recommendation of the DDRC and District Superintendent and do hereby expel **Student Docket No. 10-20** 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. 10-20** has:

1. Engaged in actions in violation of the District's policies and procedures relating to conduct expectations and requirements at school.

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.

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. 10-20** meeting the following conditions:

1. **Student Docket No. 10-20** shall continue his education for the remainder of the 2009-2010 school year through the District's homebound instruction program. This shall be provided in such a manner so as to allow him to complete his current year of education and keep him on track for progressing.
2. For the 2010-2011 school year **Student Docket No. 10-20** shall be permitted to return to the District's school buildings for instruction, placement to be determined during a meeting between **Student Docket No. 10-20**, the parent/legal guardian of **Student Docket No. 10-20** and the District's administration. This meeting shall be held during August of 2010, prior to the commencement of the school year.
3. Should **Student Docket No. 10-20** obtain any services from any health care or social services provider, the family of **Student Docket No. 10-20** shall enter into appropriate documentation for a free-flow of information between the provider and District as to matters to assist with the student's education.
4. **Student Docket No. 10-20** shall participate in an anger management program, if available, at no cost to the District.
5. **Student Docket No. 10-20** and a parent/legal guardian of **Student Docket No. 10-20** shall participate in Love and Limits.
6. Should **Student Docket No. 10-20** or the family of **Student Docket No. 10-20** need any information from the District in support of obtaining any social services, the family shall contact Jim Harrell or other District administrator regarding the same.

Prior to the commencement of the 2010-2011 school year, **Student Docket No. 10-20** and the family of **Student Docket No. 10-20** shall participate in a reinstatement hearing with the Board. At such hearing, discussion will be held as to the progress and activities of **Student Docket No. 10-20** while on homebound instruction. During this hearing the Board will address whether or not a return to a District school placement is appropriate and if so, what is the appropriate placement and under what terms and conditions the Board will permit attendance at the District's schools.

Should **Student Docket No. 10-20** fail to meet the above stated conditions, or engage in any other infraction of District or School Discipline Policies, **Student Docket No. 10-20** 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 5:41 p.m.

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

Following the recess, a motion was made by Ms. Gebhardt and seconded by Ms. Cranor to reconvene to Executive Session at 5:47 p.m. The roll call vote was unanimous in the affirmative, Mr. Rash, aye; Ms. Cranor, aye; Ms. Gebhardt, aye; Mrs. Donnelly, aye.

**OTHERS PRESENT:**

**Student Docket No. 10-22**

**Student Docket No. 10-22 Mother**

Jim Harrell, 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 6:41 p.m. A motion was made by Ms. Gebhardt and seconded by Ms. Cranor that the Board approve and adopt the recommendation of the DDRC and District Superintendent and do

hereby expel **Student Docket No. 10-22** 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. 10-22** has:

1. Engaged in actions in violation of the District's drug policies, including but not necessarily limited to possession of illegal drugs while on school property and consumption 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. 10-22** meeting the following conditions:

1. **Student Docket No. 10-22** shall return to Highland High School for the remainder of the 2009-2010 school year.
2. **Student Docket No. 10-22** 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 weekly check with probation and the school's assistant principal.
3. **Student Docket No. 10-22** shall abide by a closed campus for the remainder of the 2009-2010 school year.
4. **Student Docket No. 10-22** shall be required to participate in summer school at no cost to the District during the summer of 2010 for any courses which the student failed during this school year.
  - a. 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.
5. If any social services are ordered by the Court, **Student Docket No. 10-22** and the family of **Student Docket No. 10-22** 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.
6. **Student Docket No. 10-22** shall participate in the Short-Stop program.
7. **Student Docket No. 10-22** shall engage in periodic drug testing through the summer of 2011, at no cost to the District, the results of which shall be reported to the District's administration.
8. For the 2010-2011 school year, **Student Docket No. 10-22** shall be required to participate in an extra-curricular or co-curricular activity. For the remainder of the 2009-2010 school year, **Student Docket No. 10-22** shall meet with the school's assistant principal to determine if he is eligible for any activities for the remainder of the current school year. If he is not eligible for any activity for the remainder of the school year he shall complete 25 hours of school community service by May 15, 2010.
9. For the 2010-2011 school year, the District's administration is delegated the authority to determine the appropriate school placement and behavioral/academic contract status and terms, pending the student's success for the remainder of the school year and summer session.

Should **Student Docket No. 10-22** 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. 10-22** 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 6:46 p.m.

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

Following the recess, a motion was made by Ms. Cranor and seconded by Mr. Rash to reconvene to Executive Session at 6:49 p.m. The roll call vote was unanimous in the affirmative, Mr. Rash, aye; Ms. Cranor, aye; Mrs. Donnelly, aye.

#### **OTHERS PRESENT:**

**Student Docket No. 10-02**

**Student Docket No. 10-02** Mother

**Student Docket No. 10-02** Father

Jim Harrell, 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 7:43 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. 10-02**, held on February 24, 2010, as well as the recommendation of the District's Administrative Team and the conduct of **Student Docket No. 10-02** during the period of absence from the School District, I hereby move that the Board approve and adopt the recommendation of the School administration for the reinstatement of **Student Docket No. 10-02** to the Pocatello/Chubbuck School District No. 25 commencing with the third trimester of the 2009-2010 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. 10-02** shall be placed at New Horizon's High School for the remainder of the 2009-2010 school year.
2. Attendance at New Horizon's shall be through a strict Academic and Behavioral Contract, the terms of which shall be established during a meeting between **Student Docket No. 10-02**, the Parent/Legal Guardian of **Student Docket No. 10-02** and the School's administration. The final decision as to these terms will be with the discretion of the school's administration. However, at minimum, this contract will address provisions of:
  - i. Attendance expectations including timeliness and no tardies;
  - ii. Engagement in class work and assignments and coming to class prepared, minimum course work grade expectations and timely completion and turning in of all assignments;
  - iii. A requirement of no physical contact with other students or school staff members;
  - iv. No use of profanity, no racial slurs, comments or symbols;
  - v. No harassment of any individual based upon gender and no sexual harassment;
  - vi. A requirement of no bullying, harassment, intimidation, name calling or other verbal inappropriate statements or aggression directed toward any school staff or students during the school day or in relation to any school functions;
  - vii. A requirement of compliance with directives of all school personnel;
  - viii. No tobacco use at school, on any school property or in relation to any school function.
3. **Student Docket No. 10-02** shall be assigned an individual in the school's administration and/or counseling department. This individual will be the individual **Student Docket No. 10-02** shall seek out for assistance with problems or interactions with others at school and/or to address any issues with student anger, aggression, harassment or inappropriate conduct. This individual will periodically check up on and with **Student Docket No. 10-02** to work with him on his transition back to the District.
4. **Student Docket No. 10-02** shall attend summer school for credit recovery at no cost to the District. The goal shall be to obtain three (3) credits.
  - Such attendance shall be with an academic and behavioral contract, the terms of which are at the discretion of the District's administration.
5. **Student Docket No. 10-02** shall not enter Century High School for the remainder of the 2009-2010 school year. If an individual situation arises where **Student Docket No. 10-02** seeks an exception to this rule, this shall be raised to the administration at New Horizon's High School for discussion with Century administration for consideration of an exception.
6. Appropriate documentation shall be entered into between **Student Docket No. 10-02**, the family of **Student Docket No. 10-02** and the District's administration to provide for a free flow of information between the District and any agencies/private service providers working with **Student Docket No. 10-02**, relating to

matters solely associated with and impacting upon education of **Student Docket No. 10-02**. Such information will be utilized only to assist the student in meeting his educational goals and to assist the service provider in meeting the provider's goals.

7. At the end of the 2009-2010 school year, meeting shall be held between **Student Docket No. 10-02**, the parent/legal guardian of **Student Docket No. 10-02** and the District's administration to address appropriate placement for the 2010-2011 school year as well as terms and conditions of a continued academic and behavioral contract for the entirety of the 2010-2011 school year.

Should **Student Docket No. 10-02** 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. 10-02** 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 7:49 p.m.

**APPROVED ON:**

**MINUTES PREPARED BY:**

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

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

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

**ATTESTED BY:**

\_\_\_\_\_  
**Clerk**