

**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  
3:45 p.m.  
Wednesday, April 21, 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 (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 3:45 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; Ms. Cranor, aye; Mr. Rash, aye; Ms. Donnelly, aye. The Board adjourned to Executive Session at 3:46 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. 10-29**  
**Student Docket No. 10-29** Grandmother  
**Student Docket No. 10-29** Guardian  
Jim Harrell, Director of Student Support Services  
Maurice Canfield, Sergeant, Pocatello Police Department  
Rena Johnson, Board Secretary  
Chris Hansen, Legal Counsel (by phone)

**Return to Open Session**

The Board returned to Open Session at 4:59 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. 10-29**, held on April 21, 2010, as well as the recommendation of the District's Administrative Team and the conduct of **Student Docket No. 10-29** I hereby move that the Board deny enrollment to **Student Docket No. 10-29** at the Pocatello/Chubbuck School District for the 2009-2010 school year and the 2010-2011 school year

This denial of reinstatement is based upon the statutory provisions of Idaho Code 33-205 which permits a school district Board from denying enrollment requests of a student who has been expelled from a school as well as the belief and judgment of the District's Board of Trustees that:

1. The presence of **Student Docket No. 10-29** at the District's schools would be detrimental to the health, welfare and safety of other students of the District;

2. The presence of **Student Docket No. 10-29** at the District's schools would be detrimental to the discipline and instructional effectiveness of the District.

Should **Student Docket No. 10-29** seek to reenroll at District No. 25 for the 2011-2012 school year, or at any date thereafter, **Student Docket No. 10-29** shall request and participate in a hearing before the Board regarding this request as well as what reasonable terms and conditions would be established for a return to school. It will be the responsibility of **Student Docket No. 10-29** and/or the parent/legal guardian of **Student Docket No. 10-29** to timely make any such request for this hearing. The voting was unanimous in the affirmative. The Board recessed at 5:01 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 5:04 p.m. The roll call vote was unanimous in the affirmative; Ms. Cranor, aye; Mr. Rash, aye; Ms. Donnelly, aye.

**OTHERS PRESENT:**

**Student Docket No. 10-30**

**Student Docket No. 10-30** Father

Jim Harrell, Director of Student Support Services

Caspar VanHaalen, Assistant Principal, Pocatello High School

Maurice Canfield, Sergeant, Pocatello Police Department

Renae Johnson, Board Secretary

Chris Hansen, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 5:22 p.m. A motion was made by Mr. Rash and seconded by Ms. Cranor that the Board approve and adopt the recommendation of the District administration and do hereby expel **Student Docket No. 10-30** 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. 10-30** has:

1. Engaged in actions in violation of the District's truancy policies.
2. Engaged in actions in violation of the Behavioral and Academic Contract set forth by the District's administration.

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. 10-30** meeting the following conditions:

1. **Student Docket No. 10-30** shall return to Pocatello High School.
2. **Student Docket No. 10-30** and the family of **Student Docket No. 10-30** shall meet to prepare and address the content of the student's behavioral and academic contract.
3. **Student Docket No. 10-30** shall participate in summer school during the summer of 2010 for the purpose of credit recovery.

Should **Student Docket No. 10-30** 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. 10-30** 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 5:25 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 5:31 p.m. The roll call vote was unanimous in the affirmative, Ms. Cranor, aye; Mr. Rash, aye; Ms. 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  
Chris Hansen, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 6:03 p.m. A motion was made by Ms. Cranor and seconded by Mr. Rash that the Board approve and adopt the recommendation of the DDRC and the 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 and the first trimester of the 2010-2011 school year and placed on Homebound Instruction for the remainder of the 2009-10 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.
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.

Prior to the commencement of the second trimester of the 2010-2011 school year, **Student Docket No. 10-22** and/or the parent/legal guardian of **Student Docket No. 10-22** 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. 10-22** and the parent/legal guardian of **Student Docket No. 10-22** shall be prepared to discuss the activities of **Student Docket No. 10-22** during this period of expulsion including what educational activities, if any, have been pursued 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 and 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 6:05 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 6:08 p.m. The roll call vote was unanimous in the affirmative, Ms. Cranor, aye; Mr. Rash, aye; Ms. Donnelly, aye.

**OTHERS PRESENT:**

**Student Docket No. 10-31**

**Student Docket No. 10-31 Mother**

Jim Harrell, Director of Student Support Services  
Robert Parker, Assistant Principal, Pocatello High School  
Maurice Canfield, Sergeant, Pocatello Police Department  
Renae Johnson, Board Secretary  
Chris Hansen, Legal Counsel (by phone)

**Return to Open Session:**

The Board returned to Open Session at 6:43 p.m. A motion was made by Ms. Cranor and seconded by Mr. Rash that the Board approve and adopt the recommendation of the District's administration and do hereby expel **Student Docket No. 10-31** 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. 10-31** has:

1. Engaged in actions in material violation of the District Policies and procedures specifically relating to interactions with other students, bullying, harassment, physical aggression and fighting;

2. Engaged in conduct which demonstrates the student's presence at school is detrimental to the health, welfare and safety of other students; and
3. Engaged in conduct which is continually disruptive of school discipline.

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. 10-31** meeting the following conditions:

1. **Student Docket No. 10-31** shall return to Pocatello High School.
2. **Student Docket No. 10-31** shall enter into a Behavioral and Academic contract the content of which shall be at the sole discretion of the District's administration.

Should **Student Docket No. 10-31** 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. 10-31** 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 6:45 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 6:54 p.m. The roll call vote was unanimous in the affirmative; Ms. Cranor, aye; Mr. Rash, aye; Ms. Donnelly, aye.

#### **OTHERS PRESENT:**

##### **Student Docket No. 10-32**

##### **Student Docket No. 10-32 Mother**

Jim Harrell, Director of Student Support Services

Caspar VanHaalen, Assistant Principal, Pocatello High School

Maurice Canfield, Sergeant, Pocatello Police Department

Renae Johnson, Board Secretary

Chris Hansen, Legal Counsel (by phone)

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

The Board returned to Open Session at 7:41 p.m. A motion was made by Mr. Rash 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. 10-32** 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. 10-32** has:

1. Engaged in actions in violation of the District's policies as well as applicable state and federal laws relating to the possession of a weapon upon school property;
2. Engaged in conduct which demonstrates that the student's presence upon school 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.

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. 10-32** meeting the following conditions:

1. **Student Docket No. 10-32** shall be placed upon homebound instruction through the student's IEP process for the remainder of the 2009-2010 school year.
2. **Student Docket No. 10-32** and the family of **Student Docket No. 10-32** shall meet with the Student's IEP Team and prepare an academic and behavioral contract, the terms of which will be established by the IEP Team.
3. **Student Docket No. 10-32** and the family of **Student Docket No. 10-32** 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.

Prior to the commencement of the 2010-2011 school year, **Student Docket No. 10-32** and/or the parent/legal guardian of **Student Docket No. 10-32** 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. Prior to this hearing occurring, the student's IEP team shall meet and make recommendations relating to re-enrollment and possible terms and conditions for re-enrollment.

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. 10-32** and the parent/legal guardian of **Student Docket 10-32** shall be prepared to discuss the activities of **Student Docket No. 10-32** during this period of expulsion held in abeyance including what actions have been taken to assure that there will be no further disciplinary problems should the student return to the school district.

**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 7:54 p.m.

**APPROVED ON:**

**MINUTES PREPARED BY:**

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

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

\_\_\_\_\_  
Chair

**ATTESTED BY:**

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Clerk