

**.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 12, 2014**  
**4:30 p.m.**

**BOARD/SUPERINTENDENT PRESENT:**

Janie Gebhardt, Chair, Board of Trustees  
Jackie Cranor, Vice Chair, Board of Trustees (Excused)  
Paul Vitale, Clerk, Board of Trustees  
Jim Facer, Member, Board of Trustees  
Dave Mattson, Member, Board of Trustees  
Mary M. Vagner, Superintendent

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

Chair Gebhardt called the meeting to order at 4:38 p.m. A motion was made by Mr. Vitale and seconded by Mr. Facer to adjourn to Executive Session. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Gebhardt, aye. The Board adjourned to Executive Session at 4:39 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. 14-39**

**Student Docket No. 14-39** Mother

**Student Docket No. 14-39** Father

Tonya Wilkes, Principal, Irving Middle School

Kent Hobbs, Director of Student Support Services

Ralph Daniels, 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 5:19 p.m. A motion was made by Mr. Mattson and seconded by Mr. Facer that the Board expel **Student Docket No. 14-39** from attendance at the Pocatello/Chubbuck School District No. 25 through the remainder of the 2013-2014 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 14-39** has:

1. Engaged in conduct in violation of the District's Student Discipline Policy relating to possession, distribution and/or use of prohibited drugs.
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. 14-39** meeting the following conditions:

1. The student shall return to the PASS room at Irving Middle School for the remainder of the 2<sup>nd</sup> Trimester. Upon completion of the 2<sup>nd</sup> Trimester, the student shall attend Crossroads for a period of no less than two (2) weeks. It will be at the discretion of the administration as to the timing of the transition back to Irving Middle School based on academic and behavioral issues, but the student shall not remain at Crossroads for more than four (4) weeks, with her educational materials provided by Irving during the period of time in Crossroads.
2. Attendance shall be pursuant to an academic and behavioral contract, the terms of which shall be determined at a meeting between the student/parents and school's administration. The final terms of the contract are at the discretion of the administration.
  - a. The Board would request that the contract include, at minimum:
    - i. The student be subject to random searches of the student's locker and possessions to ensure that no prohibited item is present on school property. The family shall likewise subject the student to searches prior to leaving for school.
    - ii. To engage in 5 hours of community service within the school setting. Such community service shall be in addition to any community service ordered pursuant to any court or juvenile probation department. Proof of completion of such community service to be provided and approved by the school's administration prior to the conclusion of the 2<sup>nd</sup> trimester.
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 the student's education.

Should the student 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 or as separately determined. The voting was unanimous in the affirmative. The Board recessed at 5:23 p.m.

#### **Return to Executive Session – Student Discipline:**

Following the recess, a motion was made by Mr. Facer and seconded by Mr. Vitale to reconvene to Executive Session at 5:26 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Gebhardt, aye.

#### **OTHERS PRESENT:**

**Student Docket No. 14-40**

**Student Docket No. 14-40** Mother

**Student Docket No. 14-40** Stepfather

Tonya Wilkes, Principal, Irving Middle School

Kent Hobbs, Director of Student Support Services

Ralph Daniels, 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 6:02 p.m. A motion was made by Mr. Vitale and seconded by Mr. Facer that the Board expel **Student Docket No. 14-40** from attendance at the Pocatello/Chubbuck School District No. 25 from today's date through the end of the 2013-2014 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 14-40** has:

1. Engaged in conduct in violation of the District's Student Discipline Policy relating to use and possession of a prohibited drug or synthetic substance.

2. Engaged in conduct which the Board believes demonstrates that the student's presence at school is detrimental to the health, safety and welfare of other students and school personnel.
3. Engaged in conduct to the extent that the Board determined the student to be continuously disruptive of the school's discipline and the instructional effectiveness.

During the period of expulsion, should the student seek to complete any online or correspondence type educational activities, the District's administrative or counseling personnel will participate in a meeting with the parent of the student to review educational options, what courses are needed for the student to progress towards advancement and what courses could be transferred to the District and transcribed towards promotion.

During the period of expulsion, the student shall not be present upon the school's property absent specific pre-authorization by the school's administration.

**Student Docket No. 14-40** is eligible to attend Summer School during the summer of 2014, at no cost to the District. If enrolled for summer school, the student shall attend pursuant to an academic and behavioral contract.

Prior to the commencement of the 2014-2015 school year the student and the family of the student 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 2014-2015 school year and a determination of what conditions, if any, the Board will impose if reinstatement is permitted.

Prior to such hearing, if the student is receiving any mental health or counseling services or is under the purview of juvenile justice or probation, paperwork shall be entered into to allow for the exchange of this information only to the extent that such impacts upon the student's education, for the Board's consideration at the time of the Reinstatement Hearing.

During the Reinstatement Hearing the student and the parent/legal guardian of the student shall be prepared to discuss the activities of the student during the period of expulsion, his activities during summer school, as well as what actions have been taken to assure that this conduct and violation of District policies will not occur in the future should re-enrollment be permitted. The voting was unanimous in the affirmative. The Board recessed at 6:07 p.m.

#### **Return to Executive Session – Student Discipline:**

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

#### **OTHERS PRESENT:**

**Student Docket No. 14-41**

**Student Docket No. 14-41** Mother

**Student Docket No. 14-41** Grandmother

Mike Roberts, Assistant Principal, Highland High School

Kent Hobbs, Director of Student Support Services

Ralph Daniels, 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 6:47 p.m. A motion was made by Mr. Facer and seconded by Mr. Vitale that the Board expel **Student Docket No. 14-41** from attendance at the Pocatello/Chubbuck School District No. 25 from today's date through the end of the 1<sup>st</sup> trimester of the 2014-2015 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 14-41** has:

1. Engaged in conduct in violation of the District's Student Discipline Policy relating to physical aggression and fighting.
2. Engaged in conduct which the Board believes demonstrates that the student's presence at school is detrimental to the health, safety and welfare of other students and school personnel.
3. Engaged in conduct to the extent that the Board determined the student to be continuously disruptive of the school's discipline and the instructional effectiveness.

Prior to the commencement of the 2<sup>nd</sup> trimester of the 2014-2015 school year, the student and the family of the student shall be responsible for contacting the District to schedule a Board Reinstatement Hearing to allow the Board to consider reinstatement for the 2<sup>nd</sup> trimester of the 2014-2015 school year and a determination of what conditions, if any, the Board will impose if reinstatement is permitted.

During the period of expulsion, the student shall not be present upon any District property or at any District activity, regardless of location, absent pre-authorization of the District's Administration.

Prior to such hearing, if the student is receiving any mental health or counseling services or is under the purview of juvenile justice or probation, paperwork shall be entered into to allow for the exchange of this information only to the extent that such impacts upon the student's education, for the Board's consideration at the time of the Reinstatement Hearing.

Should the student seek to enroll in summer school during the summer of 2014, the student will be permitted to do so, at no cost to the District, pursuant to a District prepared behavioral and academic contract.

During the period of expulsion, should the student seek to complete any online or correspondence type educational activities, the District's administrative or counseling personnel will participate in a meeting with the parent of the student to review educational options, what courses are needed for the student to progress towards advancement and what courses could be transferred to the District and transcribed towards promotion.

During the Reinstatement Hearing the student and the family of the student shall be prepared to discuss the activities of the student during the period of expulsion as well as what actions have been taken to assure that this conduct and violation of District policies will not occur in the future should re-enrollment be permitted. The voting was unanimous in the affirmative. The Board recessed at 6:50 p.m.

#### **Return to Executive Session – Student Discipline:**

Following the recess, a motion was made by Mr. Vitale and seconded by Mr. Facer to reconvene to Executive Session at 6:54 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Gebhardt, aye.

#### **OTHERS PRESENT:**

##### **Student Docket No. 14-31**

##### **Student Docket No. 14-31 Mother**

Tonya Wilkes, Principal, Irving Middle School

Kent Hobbs, Director of Student Support Services

Dan Montgomery, Juvenile Probation Officer, Juvenile Detention

Ralph Daniels, 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 7:21 p.m. A motion was made by Mr. Mattson and seconded by Mr. Facer that based upon the information presented to the District Board of Trustees during the Reinstatement/Enrollment Hearing for **Student Docket No. 14-31**, I hereby move that the Board permit

enrollment of **Student Docket No. 14-31** to the Pocatello/Chubbuck School District No. 25 commencing with the 3<sup>rd</sup> Trimester of the current 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. The student shall be enrolled at Irving Middle School.
2. The attendance of the student shall be pursuant to an academic and behavioral contract. The final terms regarding any amendment to the contract shall be at the sole discretion of the administration.
  - a. Should academics, attendance and behavior warrant, the student shall be permitted to participate in Track during the spring months.
3. Should the student be provided any social 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 the student's education.
4. The student may attend summer school, if necessary for credit recovery, at no cost to the District. Any District contract shall remain in place during attendance at summer school.

Should **Student Docket No. 14-31** fail to meet the above stated conditions, or engage in any major infraction of District or School Discipline Policies, the student shall be brought back before the Board of Trustees for consideration of possible expulsion and revocation of the enrollment to school. The voting was unanimous in the affirmative. The Board recessed at 7:23 p.m.

#### **Return to Executive Session – Student Discipline:**

Following the recess, a motion was made by Mr. Vitale and seconded by Mr. Mattson to reconvene to Executive Session at 7:26 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Gebhardt, aye.

#### **OTHERS PRESENT:**

##### **Student Docket No. 14-25**

##### **Student Docket No. 14-25 Mother**

Tonya Wilkes, Principal, Irving Middle School

Kent Hobbs, Director of Student Support Services

Ralph Daniels, 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 7:48 p.m. A motion was made by Mr. Facer and seconded by Mr. Mattson that based upon the information presented to the District Board of Trustees during the Reinstatement/Enrollment Hearing for **Student Docket No. 14-25**, I hereby move that the Board permit enrollment of **Student Docket No. 14-25** to the Pocatello/Chubbuck School District No. 25 commencing with the 3<sup>rd</sup> Trimester of the current 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. The student shall be enrolled at Irving Middle School.
2. Attendance shall be pursuant to an academic, attendance and behavioral contract. The final terms of the contract shall be at the sole discretion of the school's administration.
  - a. At minimum, the contract shall require the student carry nothing less than a "C" in any course.
  - b. Results of any UA tests shall be provided to the school's administration at no cost to the District.
3. Should the student be provided any social 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 the student's education.

4. The student shall attend summer school, for any necessary credit recovery, at no cost to the District. During attendance at summer school, the contract shall remain in place.
5. Prior to the commencement of the 2014-2015 school year, the administration shall determine whether or not a contract shall continue into the new school year.

Should **Student Docket No. 14-25** fail to meet the above stated conditions, or engage in any major infraction of District or School Discipline Policies, the student shall be brought back before the Board of Trustees for consideration of possible expulsion and revocation of the enrollment to school. The voting was unanimous in the affirmative. The Board recessed at 7:50 p.m.

**Return to Executive Session – Student Discipline:**

Following the recess, a motion was made by Mr. Mattson and seconded by Mr. Vitale to reconvene to Executive Session at 7:53 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Gebhardt, aye.

**OTHERS PRESENT:**

**Student Docket No. 14-24**

**Student Docket No. 14-24** Mother

**Student Docket No. 14-24** Father

Tonya Wilkes, Principal, Irving Middle School

Kent Hobbs, Director of Student Support Services

Ralph Daniels, 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 8:13 p.m. A motion was made by Mr. Vitale and seconded by Mr. Facer that based upon the information presented to the District Board of Trustees during the Reinstatement/Enrollment Hearing for **Student Docket No. 14-24**, I hereby move that the Board permit enrollment of **Student Docket No. 14-24** to the Pocatello/Chubbuck School District No. 25 commencing with the 3<sup>rd</sup> Trimester of the current 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. The student shall be enrolled at Irving Middle School.
2. Attendance shall be pursuant to an academic, attendance and behavioral contract. The final terms of the contract shall be at the sole discretion of the school's administration.
3. Should the student be provided any social 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 the student's education.
4. Proof of completion of all required Community Service shall be provided to the School's administration by March 15, 2014.
5. Documentation regarding the completion of course work is to be submitted to the District for consideration of possible transcription.
6. The student may attend summer school, for any necessary credit recovery, at no cost to the District. During attendance at summer school, the contract shall remain in place.
7. If the student meets the terms of the contract, the student shall be permitted to participate in any school extracurricular activity.

Should **Student Docket No. 14-24** fail to meet the above stated conditions, or engage in any major infraction of District or School Discipline Policies, the student shall be brought back before the Board of Trustees for consideration of possible expulsion and revocation of the enrollment to school. The voting was unanimous in the affirmative.

**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 8:16 p.m.

**APPROVED ON:**

15 April 2014

By:

Jenie M. Stohardt  
Chair

**MINUTES PREPARED BY:**

[Signature]  
Secretary, Board of Trustees

**ATTESTED BY:**

[Signature]  
Clerk