

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 25, 2015
4:30 p.m.

BOARD/SUPERINTENDENT PRESENT:

Janie Gebhardt, Chair, Board of Trustees
Jackie Cranor, Vice Chair, Board of Trustees
Dave Mattson, 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 4:42 p.m. A motion was made by Mr. Vitale and seconded by Mr. Mattson to adjourn to Executive Session. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Cranor, aye; Ms. Gebhardt, aye. The Board adjourned to Executive Session at 4:43 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. 15-28

Student Docket No. 15-28 Father

Student Docket No. 15-28 Mother

Student Docket No. 15-28 Sister

Kent Hobbs, Director of Student Support Services

David Ross, Assistant Principal, Century High School

Kelly Kumm, Attorney, Kelly Kumm Attorney at Law

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 5:47 p.m. A motion was made by Mr. Vitale and seconded by Ms. Cranor that the Board of Trustees expel **Student Docket No. 15-28** from attendance at the Pocatello/Chubbuck School District No. 25 from today's date through the end of the 2014-2015 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 15-28** has:

1. Engaged in conduct in violation of the District's Student Discipline Policy relating to harassment, sexual harassment and inappropriate interactions with other students.
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. 15-28** meeting the following conditions:

1. The student shall continue his current placement as last determined by the IEP Team until the IEP Team convenes to determine the student's placement for the remainder of the school year.
2. The student's IEP Team shall meet to consider appropriate educational placement and related expectations of the student. The District's Board requests the IEP Team consider at minimum the following:
 - a. An educational placement at New Horizon High School for the third trimester with the IEP Team meeting again prior to the commencement of the 2015-2016 school year to address appropriate placement with a recommendation that placement be at a location other than Century High School.
 - b. The possible need for a plan for the student, specifically to address his interactions with students and to address the student being left alone with other students at school and/or during his transportation to and from school.
 - c. The student's participation in ten (10) hours of community service which is to be documented and provided to the school's administration prior to the end of the school. Such community service shall be in addition to any court ordered community service.
 - d. The preparation of a letter of apology to the victim which is 100% grammatically correct and accurate to be delivered to the school's administration.
 - e. That the IEP Team obtain releases to allow for the exchange of information relating to assisting in providing for the student's education from any health care provider/counselor and/or any Probation Officer that may be assigned.
3. The IEP team will make final decisions regarding the aforementioned.

Should **Student Docket No. 15-28** 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, and such not be a manifestation associated with the student's IDEA eligibility, 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. Mr. Facer offered an amendment to include a letter of apology to the victim's family. Ms. Cranor seconded the motion with the amendment. The voting was unanimous in the affirmative. The Board recessed at 5:53 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 5:55 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. 15-06

STUDENT DOCKET No. 15-06 Mother

Kent Hobbs, Director of Student Support Services

Renae Johnson, Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 6:20 p.m. A motion was made by Mr. Mattson and seconded by Mr. Vitale that based upon the information presented to the District Board of Trustees during the Reinstatement Hearing for **Student Docket No. 15-06**, I hereby move that the Board permit enrollment of **Student Docket No. 15-06** to the Pocatello/Chubbuck School District No. 25 at the commencement of the third trimester of the 2014-2015 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 **Student Docket No. 15-06** meeting the following conditions:

1. The student shall return to Alameda Middle School and is eligible to transfer to any other school to the same extent as any other student.
2. The attendance of the student shall be pursuant to an academic, attendance and behavioral Contract. The administration will be the final decision maker with regard to the terms and any subsequent amendment to the terms of the Contract.
 - a. The student and the possessions of the student shall be subject to random searches.
 - b. The family of the student shall conduct a search of the student's person and property prior to the student leaving for school.

- c. The Board requests that a provision of this Contract include a component requiring the student to participate in summer school, at no cost to the District, to prepare for Math and ELA for the next grade level;
 - d. The student shall prepare a letter of apology to the administration at both Alameda Middle School and Lewis & Clark Elementary School. This letter must be word processed and 100% grammatically correct, proofed by the Alameda Middle School administration. This letter shall address the school safety issues that were compromised by the student's behavior.
 - e. Upon the first week of return to school, the student and parent shall meet with the school's counselor so that the student has a designated contact person to work with should any issues arise in the school setting.
3. Should the student be provided any social or health care services and/or counseling 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 **Student Docket No. 15-06** 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 6:23 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 6:26 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. 15-38

Student Docket No. 15-38 Mother

Student Docket No. 15-38 Father

Kent Hobbs, Director of Student Support Services

Jena Wilcox, Assistant Principal, Highland High School

Rena Johnson, Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 6:55 p.m. A motion was made by Mr. Facer and seconded by Mr. Vitale that the Board of Trustees expel **Student Docket No. 15-38** from attendance at the Pocatello/Chubbuck School District No. 25 from today's date through the end of the 2014-2015 school year.

Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 15-38** has:

1. Engaged in conduct in violation of the District's Student Discipline Policy relating to the possession of weapons on school property.
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. 15-38** meeting the following conditions:

1. The student shall return to Highland High School.
2. The student's attendance shall be pursuant to an academic, attendance and behavioral Contract which shall be developed during a meeting with the student, the student's parents and the school's administration, with the administration having the final decision as to the terms of the Contract. The Board requests that the Contract address at minimum, the following:
 - a. The student shall be subject to a "closed campus" for the remainder of the school year.
 - b. The student shall complete fifteen (15) hours of community service, providing the administration with proof of completion prior to the end of the school year, in addition to any community service that may be ordered by any court or probation department.

- c. The student, the student's possessions and the locker of the student shall be subject to random searches by the school's administration and the family of the student is encouraged to do frequent searches of the student and the student's possessions prior to the student leaving for school.
- d. The student shall participate in a Restorative Justice Conference with the other participant in the conflict.
- e. The student shall be assigned a counselor or administrator at the school as the student's contact person should the student have any issues with bullying, harassment, threats or other concerns regarding the student's safety or educational environment.

Should **Student Docket No. 15-38** 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 6:58 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 7:02 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. 14-61 *(Not present)*

Student Docket No. 15-39 *(Not present)*

Kent Hobbs, Director of Student Support Services

Renae Johnson, Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 7:08 p.m. No action was taken by the Board at the time of the meeting.

Adjourn:

A motion was made by Ms. Cranor and seconded by Mr. Facer to adjourn. The voting was unanimous in the affirmative. The Board adjourned at 7:08 p.m.

APPROVED ON:

17 March 2015

By:

Janie Gebhardt
Chair

MINUTES PREPARED BY:

[Signature]
Secretary, Board of Trustees

ATTESTED BY:

[Signature]
Clerk