

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, January 29, 2014
4:30 p.m.

BOARD/SUPERINTENDENT PRESENT:

Janie Gebhardt, Chair, Board of Trustees
Jackie Cranor, Vice Chair, Board of Trustees
Paul Vitale, Acting Chair/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 4:34 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 4:34 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. 12-24

Student Docket No. 12-24 - Mother

Brad Wallace, Principal, New Horizon Center
Pat Tiedi, Assistant Principal, Franklin Middle School
Ralph Daniels, Sergeant, Pocatello Police Department
Tara Jensen, Board Secretary
Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 5:01 p.m. A motion was made by Mr. Mattson and seconded by Ms. Cranor that the Board permit enrollment of **Student 12-24** to the Pocatello/Chubbuck School District commencing with the third 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 New Horizon's Center, placed in the 9th grade. The schedule for the student shall be as core class intensive as possible and the school's administration shall closely monitor her progress and any intervention issues which may be necessary.
2. The attendance of the student shall be pursuant to an academic and behavioral contract, the terms of which will be established during a meeting between the student, family of the student and the school's administration. However, the administration will be the final decision maker with regard to the terms of the contract.
3. The student shall participate in summer school for credit recovery, at no cost to the District.

4. At the end of summer school, depending upon outcome of the rest of this school year and summer school, the administration shall analyze her situation and determine if an administrative placement hearing will be held to determine the appropriate placement for the student for the 14-15 school year.
5. 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.

Should **Student 12-24** fail to meet the above stated conditions, or engage in any major infraction of District or School Discipline Policies, **Student 12-24** 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 5:04 p.m.

Return to Executive Session – Student Discipline:

Following the recess, a motion was made by Mr. Vitale and seconded by Ms. Cranor to reconvene to Executive Session at 5:16 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket No. 14-34

Student Docket No. 14-34 - Mother

Student Docket No. 14-34 – Father

Pat Tiedi, Assistant Principal, Franklin Middle School

Ralph Daniels, Sergeant, Pocatello Police Department

Tara Jensen, Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 5:42 p.m. A motion was made by Mr. Facer and seconded by Mr. Vitale that the Board expel **Student 14-34** 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 14-34 has:

1. Engaged in conduct in violation of the District's Student Discipline Policy relating to possession and/or use of weapons.
2. Engaged in conduct in violation of the District's Student Discipline Policy relating to the possession of drug paraphernalia.
3. 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 meeting the following conditions:

1. The student shall return to Franklin Middle School.
2. The attendance of the student shall be pursuant to an academic, attendance and behavioral contract, the terms of which shall be based on the contract from January 2014, with at least the following additions:
 - a. The terms of the contract shall be amended to address a requirement of 10 hours of community service, to be completed prior to March 31, 2014, in addition to any hours ordered by any court or probation department.
 - b. The student shall be subjected to random searches of her locker and items in her possession.
 - c. The student will be assigned a specific counselor or administrator at her school of attendance and will be required to check in with this individual to address any current concerns or issues she has in her school setting.

- d. Interventions shall be engaged to address Math deficits. If positive results are not achieved from these interventions, the administration shall explore alternative placements and/or special services options.
 - e. The student shall be able to participate in art or chorus types of classes should the student maintain a “c” or better grade in the student’s core classes.
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.

Should **Student 14-34** fail to meet the above stated conditions, or engage in any major infraction of District or School Discipline Policies, **Student 14-34** 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 6:13 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 6:17 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket No. 14-35

Student Docket No. 14-35 - Father

Student Docket No. 14-35 - Mother

Dixie Erickson, Assistant Principal, Hawthorne Middle School

Ralph Daniels, Sergeant, Pocatello Police Department

Tara Jensen, Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 7:06 p.m. A motion was made by Mr. Facer and seconded by Mr. Mattson that the Board expel **Student 14-35** 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 14-35** has:

1. Engaged in conduct in violation of the District’s Student Discipline Policy relating to possession and/or use of a weapon, including a look-alike weapon.
2. Engaged in conduct, which in the judgment of the Board, is detrimental to the health, welfare and safety of other pupils; and
3. Engaged in conduct, which in the judgment of the Board is continually disruptive to the school’s discipline and instructional effectiveness 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 and not put into place contingent upon Student meeting the following conditions:

1. The student shall attend schooling at Crossroads for the remainder of the 2nd trimester of the 13-14 school year, commencing on Monday, with homebound on the two school days prior to start at Crossroads. At the start of the third trimester he would transfer to Kinport Academy.
2. Attendance shall be pursuant to a strict academic, attendance and behavioral contract, the terms of which shall be developed during a meeting with the student and family. The existing behavior plan may be the starting point for the development of a new plan. However, the final decision as to the contract terms shall be with the administration.
 - a. In the development of the contract, the Board requests the following be included:

3. To be subject to daily searches of the student's locker and possessions to assure that no prohibited item is present on school property and when the administration deems appropriate, daily searches may be modified to a random status. The family shall likewise subject the student to searches prior to leaving for school.
4. Adherence to all school policies and procedures at the New Horizon's Center.
5. Reporting of any aggression or bullying/harassment against him to Mr. Wallace, the Principal at the New Horizon's Center, including details of the event and participants.
6. Through the remainder of the 2013-2014 school year, the student shall be prohibited from entering upon any property of the District other than the New Horizon's Center/Kinport/Crossroads, including but not limited to Hawthorne, without the specific permission of the District's administration.
7. Placement for the student for the 2014-2015 school year shall be dependent upon the student's achievement at Kinport during the third trimester of the 2013-2014 school year.
8. 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, including any acts of aggression, 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 7:12 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 7:19 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket No. 14-36

Student Docket No. 14-36 - Father

Stephen Anderson, Assistant Principal, Century High School

Ralph Daniels, Sergeant, Pocatello Police Department

Tara Jensen, Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 7:30 p.m. A motion was made by Mr. Mattson and seconded by Mr. Vitale that the Board take no action.

The voting was unanimous in the affirmative. The Board recessed at 7:31 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 7:33 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket No. 14-37

Student Docket No. 14-37 - Father

Student Docket No. 14-37 - Mother

Student Docket No. 14-37 – Family Friend

Student Docket No. 14-37 – Family Friend

Student Docket No. 14-37 – Family Friend

David Ross, Assistant Principal, Century High School
Stephen Anderson, Assistant Principal, Century High School
Ralph Daniels, Sergeant, Pocatello Police Department
Tara Jensen, Board Secretary
Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 8:34 p.m. A motion was made by Mr. Vitale and seconded by Mr. Facer that the Board expel **Student 14-37** 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 14-37** has:

1. Engaged in conduct in violation of the District's Student Discipline Policy relating to weapons.
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 which the Board believes demonstrates he is continuously disruptive of school discipline.
4. 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 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 and not put into place contingent upon Student meeting the following conditions:

1. The student shall obtain schooling through Homebound Instruction, to be conducted in a public location in a manner determined to be best by the District's Administration. Homebound instruction shall continue through the end of the second trimester of the 2013-2014 school year.
2. During the period of Homebound Instruction, the student shall not be present upon the school's property or any school bus or at any school-related activity, regardless of the location, without specific prior pre-approval by the District's Administration.
3. At the commencement of the third trimester and through the first trimester of the 2014-2015 school year, the student shall attend educational activities at New Horizon's High School.
4. An academic and behavioral contract will be developed for the student's attendance at school. The terms of this contract shall be developed during a meeting between the parent/student and school's administration. However, the final terms of such agreement shall be at the discretion of the Administration.
5. Prior to the commencement of the second trimester of the 2014-2015 school year, an administrative placement hearing shall be held to determine the appropriate educational placement for the student. At that time placement may include a return to Century High School at some point in time during the course of the school year.
6. The student is to engage in 30 hours of community service with an outside agency. 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 on or before March 31, 2014.
7. The student shall be subjected to random searches of the student's locker and items in the student's possession. The family shall likewise subject the student to searches prior to leaving for school.
8. 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 8:38 p.m.

Return to Executive Session – Student Discipline:

Following the recess, a motion was made by Mr. Vitale and seconded by Ms. Cranor to reconvene to Executive Session at 8:42 p.m. The roll call vote was unanimous in the affirmative: Mr. Mattson, aye; Mr. Facer, aye; Mr. Vitale, aye; Ms. Cranor, aye; Ms. Gebhardt, aye.

OTHERS PRESENT:

Student Docket No. 14-38

Student Docket No. 14-38 Mother

Student Docket No. 14-38 Father

Interpreter – Jake Hernandez

Dixie Erickson, Assistant Principal, Hawthorne Middle School

Tara Jensen, Board Secretary

Amy White, Legal Counsel (by phone)

Return to Open Session:

The Board returned to Open Session at 9:11 p.m. A motion was made by Ms. Cranor and seconded by Mr. Facer that the Board expel **Student 14-38** 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 14-38** has:

1. Engaged in conduct in violation of the District’s Student Discipline Policy relating to possession and/or use of weapons.
2. Engaged in conduct, which in the judgment of the Board, is detrimental to the health, welfare and safety of other pupils; and

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 meeting the following conditions:

1. The student shall return to Hawthorne Middle School.
2. Attendance shall be pursuant to a contract, the terms of which shall be determined by the student’s IEP team, in consultation with the family and school’s administration as part of such team.
 - a. The Board would request that the IEP team consider issues relating to the following
3. The student be subject to random searches of the student’s locker and possessions to assure that no prohibited item is present on school property. The family shall likewise subject the student to searches prior to leaving for school.
4. To engage in 10 hours of school-based community service. 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 on or before March 15, 2014.
5. The student be assigned a counselor or administrator with whom the student can check in with and raise concerns about the student’s education.
6. 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 9:15 p.m.

Adjourn:

A motion was made by Ms. Cranor and seconded by Mr. Mattson to adjourn. The voting was unanimous in the affirmative. The Board adjourned at 9:16 p.m.

APPROVED ON:

18 February 2014
By:

Janie Gebhardt
Chair

MINUTES PREPARED BY:

Lura Jensen
Secretary, Board of Trustees

ATTESTED BY:

Janie Gebhardt
Clerk