

**MINUTES OF THE SPECIAL MEETING/WORK SESSION TO DISCUSS VARSITY FACILITY SERVICES
CONTRACT RENEWAL AND REVIEW OF IDAHO CODE 18-3302D POSSESSING WEAPONS OR FIREARMS
ON SCHOOL PROPERTY AND
BOARD POLICY 8153 – PROHIBITION OF WEAPONS**

**POCATELLO/CHUBBUCK SCHOOL DISTRICT No. 25
BOARD OF TRUSTEES**

**Board Room at the Education Service Center
Tuesday, January 22, 2013
4:30 p.m.**

BOARD MEMBERS/SUPERINTENDENT PRESENT:

Janie Gebhardt, Chair	Jim Facer, Member
John Sargent, Vice Chair	Paul Vitale, Member
Jackie Cranor, Clerk	Mary M. Vagner, Superintendent

OTHERS PRESENT:

Kent Hobbs Director of Student Support Services/Safety
Bart Reed, Director of Business Operations
Scott Marchand, Chief, Pocatello Police Department
Ralph Daniels, Sergeant, Pocatello Police Department
Steve Stone, Captain, Pocatello Police Department
Amy White, Legal Counsel (by phone)
Rena Johnson, Board Secretary

Welcome, Call to Order and Statement of Purpose

Chair Gebhardt called the Special Meeting/Work Session to order at 4:33 p.m. She said the purpose of the meeting was to discuss the Varsity Contract and safety concerns relative to the SROs possession of additional weapons on school property, Idaho Statute and Board Policy. She conducted introductions and turned the time over to Ms. Vagner. Ms. Vagner said the agenda was not noticed for public comment and was for the Board to consider the proposal from Varsity Facility Services regarding a rate increase and to engage in discussion with the Police Chief regarding his perspective on school safety. She said there would be an opportunity for public comment at a future meeting.

Varsity Facility Services Contract Renewal – Mr. Reed

Mr. Reed said the District had a long standing relationship with Varsity Facility Services. He said in 1999 the District had gone through five years of budget reductions due to declining enrollment. He said the District used to conduct all facility maintenance in-house and considered outsourcing when that became too costly. He said the decision to contract with Varsity Facility Services was to save money and clean the facilities more efficiently. He said the District had partnered with Varsity since 2000. He said when the company first started it only maintained the three high schools and Varsity only worked at night. He said the District later decided to utilize their services at the middle school level as well. He said no jobs were lost as a result of the change. He said the starting amount in 2000 was 71 cents per square foot per year and remained at that rate until 2005 when it was increased to 80 cents per square foot. He said the Board approved the increase which amounted to an 11.6% increase overall. He said since 2005 minimum wage went from \$5.85/hr., to \$6.15/hr. and finally to \$7.25/hr. which amounts to a 24% increase. He said Varsity employed mostly part-time minimum wage staff. He said over the summer the Board approved a \$5,000 increase to the contract for summer cleaning. He said since then Varsity had undergone a change in management and notified the District that it had been steadily losing money on this contract since 1999. He said the letter noticing the District of this loss also included a request to increase the current contract by \$5,000 per month as the company could not continue to operate at such a loss. He said Varsity Facility Services sent an amendment to the original request extending the payment deadline from February 1, 2013 to February 20, 2013 and the cancellation deadline from March 11, 2013 to March 31, 2013 if the Board did not accept the terms. He said overall the increase amounted to 13%. He said the request also included retroactive payment for February

and March. He said Varsity provided a valuable service to the District. He said the unusual part of the request was that it was made mid-year, which Varsity did not usually do. He said they understood this put the District in a difficult position but the company could not afford to continue services at this rate. He said if the Board chose to continue the relationship with Varsity Facility Services, the administration would request language be added to the contract that any proposed rate increases be presented in a time frame that is congruent with the Board's budgeting process following the fiscal year, that quality control be increased and that summer cleaning be completed in accordance with the District's stated schedule. Mr. Sargent asked if the District currently had a contract with Varsity Facility Services. Mr. Reed said yes, however any party was able to cancel the contract with 60 days' notice. Mr. Sargent asked if Varsity agreed to align any increase request with the fiscal year. Mr. Reed said the administration had not engaged in that discussion but anticipated they would be agreeable to that request. Ms. Cranor asked if Varsity's performance was adequate. Mr. Reed said their services were sometimes more than adequate and sometimes less, but overall Varsity met the level of service required. He said in the beginning the administration may have had an unrealistic expectation of the level of service at the rate of pay and had since become more realistic. He said the cleanliness of schools was a group effort. He said the administration recommended renewal of the contract inclusive of the proposed rate increase. He said the Board would consider renewing the Varsity Facility Services contract during a Special Meeting to be held Wednesday, January 23, 2013 at 4:15 p.m.

Review Idaho Code 18-3302D – Possessing Weapons or Firearms on School Property and Board Policy 8153 – Prohibition of Weapons – Ms. White/Ms. Vagner

Ms. Vagner said included in the packet was Idaho Statute 18-3302D – Possessing Weapons or Firearms on School Property and Board Policy 8153 – Prohibition of Weapons. She said Ms. White, the District's legal counsel was joining the meeting by phone and would review the Statute relative to possessing weapons on school property. Ms. White said the District was not alone in addressing these issues. She said School Boards all over the country were looking at this topic. She said Idaho Code included a number of safety rules that dealt with issues such as facility safety and fire and building codes. She said there were broad provisions in Idaho Code 33-512 that included the Board being responsible to protect the health, welfare and safety of pupils and excluding anyone that did not meet that expectation. She said 33-512 was the Statute that spoke to the Board's responsibility for student safety. She said it also directed that the School Board was to have policies in place to address school safety. She said about six years ago the State Department of Education directed a study be completed which examined school safety across the state inclusive of facility security. She said it was a good starting point for a Board to review and expand upon. She said Gun Free Schools and Zero Tolerance were covered in federal Statute. She said schools across the country were under the Gun Free Schools Act that went into place in 2007. She said it was a general prohibition for any individual to possess a firearm on school property or in a school zone. She said the definition of a school zone was any area within 1,000 feet of school property and school property was any real estate owned by a District. She said there was a list of exceptions provided, including possession of a firearm on private property within the 1,000 feet. She said individuals that were licensed to carry a concealed weapon could have an unloaded firearm locked and out of sight within their personal vehicle on school property. She said if a School District contracted with a private security firm those individuals could carry a firearm. She said the law also provided an exception for police officers acting within their official capacity. She said the definition of a firearm was any device that could discharge a projectile by a propulsion explosion. She said the only exception for discharging a weapon was for a police officer acting in his/her official capacity or school security. She said there were no exceptions for any other individual. She said the federal law was tied to the ESEA Act which was tied to federal funding. She said if a student brought a firearm to school the administration was required to bring the student before the Board for an expulsion hearing without exception. She said the Board was required to expel the student for one calendar year with very few exceptions. She said the Board could deviate from that requirement on a case by case basis and had to enumerate the deviation in the motion. She said the Board was required to have a weapons policy and must have a component relative to law enforcement referral. She said School Districts were required to report any expulsion related to a firearm to the State Department of Education on an annual basis. She said the report had to include the name of the school, the number of students expelled and the type of weapon involved. She said if the report was not completed it would impact the District's federal funding. She said if an individual violated the law and did not fit into one of the exception categories there was a maximum \$5,000 fine and 5 year prison sentence. She said a Judge was not allowed to concurrently sentence an individual with any other crime so any sentence for another crime such as battery would have to be in addition to the five year

sentence for the firearms violation. She said the individual would also be prohibited from owning a firearm for the rest of his/her life. She reviewed Idaho Code 18-3302D which was the state's Gun Free Schools Act and in comparison with federal law was broader and included any deadly or dangerous weapon in addition to firearms. She said the state law also included school transportation. She said students could be expelled based on numerous safety laws and not just the Gun Free Schools Act including anything considered detrimental to the health, safety and welfare of pupils. She said Idaho Code also included any weapon that was capable of causing death and/or bodily injury and the only exception was for a pocket knife that was less than 2-1/2 inches. She said Idaho law also varied from federal law in its definition of "possession". She said Idaho law included "causing" a weapon to be possessed by any other individual, bringing a weapon onto a school bus, having "control" of a weapon or bringing a weapon to a school event regardless of location. She said the most common exception to all of the listed offenses was a police officer. She said the second exception was for individuals in legal possession as part of a school event, such as a color guard event, as long as the possession was previously approved by the Board. She said a third exception was self-defense. She said this exception had to be read with great caution as it did not allow an individual to bring a weapon onto school property "just in case" an event occurred. She said the last exception was for anyone that has been specifically authorized by Board action in a public meeting with an open public vote. She said she was not aware of any School Board in the state that had done that. She said School Boards were required to adopt policy and procedure on violence prevention per state and federal law. She said the policy could be stricter than federal or state law but not more lenient. She said the District's policy was written clearly for students and parents to understand. She said the definitions follow federal and state definitions but listed examples of what would qualify as a weapon and what exceptions could be made. She said there was no exception for a student to have a weapon. She said there were very limited exceptions in federal law for things like hunting clubs which did not exist in Idaho. She said the District had a zero tolerance policy for weapons which included adults and teachers which was appropriate and allowable. She said the District's policy further defined possession. She said the prohibition of possession was extended to school property, school bus and any school related activity. She said the policy also included non-traditional weapons such as a pencil being used as a weapon to cause bodily injury or death. She said it also included knowingly assisting anyone to do the same. She said the remainder of the policy addressed state and federal law, how a violation would be investigated and resulting discipline for students found to be in violation. She said it reiterates the school administrator's right to search a student's belongings and locker if there was reasonable suspicion. She said it was allowable per District policy, state and federal law and legal precedent. She said the policy addressed students with disabilities who were subject to IDEA. She said if a violation was found to be a manifestation of a student's disability the discipline was handled differently per federal law. She said in some cases a School District was not allowed to do anything different for the student including placement. She said Districts were not allowed to explain to the community or families about any disciplinary action for students. Ms. Vagner said the discussion reinforced the Board's previous actions relative to student discipline.

Discussion with Pocatello Police Department Police Chief, Scott Marchand

Ms. Vagner said about one year ago there was discussion with Sergeant Canfield regarding the need for a secure place to lock up evidence. She said currently any evidence was stored in a non-secure location in the SROs office. She said at that time there was an intentional effort to move forward and provide keys to officers and provide a secure location to lock up evidence. She said the District was close to having exterior door keys for all officers. She said included in the packet was Policy 8220 – Relationship Between the School and Law Enforcement Officials. Chief Marchand thanked the Board for its time. He said a few issues had come up recently. He said school safety is a top priority for the Pocatello Police Department and has been for many years. He said the proposal and actions of the police department were not a result of recent events. He said SROs trained in schools for a variety of safety situations including response to an active shooter. He said the purpose of today's meeting was to discuss the installation of lock boxes or gun safes. He said this had been discussed and added to the police department's budget over a year ago. He said part of the request stemmed from the need to have a secure place to lock up evidence and he would like SROs to be able to bring their police issued rifles onto school property and lock them in the secure gun safe/lock box. He said if a situation occurred the SRO would not run out to their vehicle to get their rifle since this would take too much time. He said he would like the gun safes in schools for SROs to bring their rifle in with them in the morning and take it with them at the end of the day. He said the rifle would only be kept on school property during school hours. He said the safes had a three point lock system and were all keyed the same in order to allow any police officer access during an emergency situation. He said the

police department had worked to improve school safety and relationships over the last ten years. He said he believed this was the right thing to do to be prepared for any event. He said when emergency situations occurred a tactical team was not always readily available. He said he wanted SROs to have the tools needed readily available to them. Ms. Cranor said she heard that the safes would also be used to store things like emergency first aid kits and ammunition. Chief Marchand said the gun safes stored extra ammo and first aid items. He said right now SROs did not feel comfortable storing anything in their offices as there was no secure area and too many people had access. He said if the SRO was the only one with access to the safe then they could take full responsibility which was currently not the case. He said the police department was not asking the District to pay for anything other than the installation. Sergeant Daniels said nothing would be stored in the safes that officers were not fully trained on. Mr. Sargent asked if a policy change was needed to allow the installation of the gun safes in schools. Ms. Vagner said law enforcement was one of the allowable exceptions for bringing those types of items on school property per state and federal law and would not require any policy change but was a cultural change. Chief Marchand said all of the SROs were trained and would be the first ones on scene in the event of an emergency and would handle any situation presented. He said he wanted to make sure they had the tools they needed to do their job. He said the presence of SROs and patrol officers in schools had increased over the years and was helping to improve relationships and perspectives of students, staff and the community. Ms. Gebhardt said in her opinion the best weapon was relationships and it concerned her that students knew what the rifle bag looked like and were able to see the SRO carrying the bag in and out of the school. Sergeant Daniels said some students would see it and it may peak curiosity for the first couple of days but expected that after a while students would stop paying attention. He said the bag was strapped to the back of the officer and was less conspicuous. Ms. Gebhardt said it was important that children were not alarmed. Chief Marchand said the police department did not want to alarm anyone either and was prepared to answer any questions. He said the department did not want to make a big deal out of it but wanted officers to have the tools they needed. Ms. Cranor asked who would have keys to the gun safe. Chief Marchand said the SROs and other police officers. He said no one outside of the Pocatello Police Department would have a key and nothing would be left in the safes overnight. He said the safes were 4 feet long and would be bolted to the floor. He said it would take a lot of time and noise to breach the safe and would be very difficult to accomplish during the school day without anyone noticing. Ms. Vagner said the administration had not had a chance to discuss the proposal with K-12 administrators. She said Ms. White drafted a series of logistical questions that dealt with weapons, ammunition, security and access to insurance companies that the administration would like to go through with the police department prior to any decisions being made. She said the administration needed time to process the logistics and address the cultural change with the administrators and employees. She said the public was entitled to weigh in on cultural changes through the public comment process. She said she would like to develop a timeline that could be provided to the Board laying out the process for working with K-12 administrators and an opportunity for public comment. Mr. Sargent asked how much time it would take to accomplish. Ms. Vagner said she anticipated it would take the month of February. She said she could work with the Board Chair and Vice Chair to schedule a Special Meeting for public comment and Action. Ms. Cranor said she would like to see this completed by February. Ms. Vagner said she would like to cover the logistical questions with the Police Chief to give the administration a better idea of what it would mean moving forward. Ms. White said a number of questions had been answered during this presentation and the rest could be handled administratively. Chief Marchand agreed to meet to discuss the logistics and would meet with K-12 administrators if requested. He said he would not be pushing for this unless he believed it would be to the benefit of everyone involved. Ms. Vagner said the administration would develop a timeline that would include any meetings, public comment and allow time to process the change with staff. Dr. Mortensen said this discussion had brought forth questions from the administrators about staff possessing a weapon on school property and what was allowable and what was not. She said the administration needed to be prepared to answer the obvious questions related to this discussion. Ms. Cranor said in the review of state and federal law it was pretty clear what was allowable and what was not. She said she appreciated the forethought of the police department in trying to make schools safer. Ms. Gebhardt said that Judge Murray's committee discussed teachers having weapons and clarified that the Board was not proposing that as an option. Mr. Sargent said it was natural that those questions would come up as there were many teachers that had concealed weapons permits. Ms. Vagner said the administration would develop the timeline and would work with the Chief to get things in motion. Ms. White said the discussion was very thorough and cooperative. Ms. Vagner said the District had a high standard of reporting any incident involving threats or weapons and took the investigation and consequences seriously. She said the

Board met twice a month to act on student discipline and principals were on top of taking responsibility for safety in their schools, taking safety very seriously. She said the District appreciated the support of law enforcement.

Adjourn

Chair Gebhardt adjourned the Special Meeting/Work Session at 5:47 p.m.

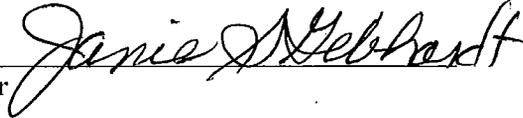
APPROVED ON:

FEBRUARY 19, 2013

MINUTES PREPARED BY:


Secretary, Board of Trustees

BY:


Chair

ATTESTED BY:


Clerk