

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 Hearing in Open Session)
Pocatello/Chubbuck School District No. 25
County of Bannock – State of Idaho

Superintendent's Office at the Education Service Center
4:30 p.m.
Wednesday, September 28, 2011

BOARD/SUPERINTENDENT PRESENT:

Frank Rash, Chair, Board of Trustees
John Sargent, Vice Chair, Board of Trustees (Excused)
Jackie Cranor, Clerk, Board of Trustees (Excused)
Janie Gebhardt, Member, Board of Trustees
Nate Murphy, Member, Board of Trustees
Mary M. Vagner, Superintendent

Call to Order/Executive Session – Student Expulsion Hearing:

Chair Rash called the meeting to order at 4:36 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Murphy to adjourn to Executive Session. The roll call vote was unanimous in the affirmative: Mr. Murphy, aye; Ms. Gebhardt, aye; Mr. Rash, aye. The Board adjourned to Executive Session at 4:37 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. 12-01

Student Docket No. 12-01 Father

Student Docket No. 12-01 Mother

Kent Hobbs, Director of Student Support Services
David Ross, Assistant Principal, Century High School
Maurice Canfield, Sergeant, Pocatello Police Department

Renae Johnson, Board Secretary
Amy White, Legal Counsel (by phone)

Witnesses:

Marilyn Lathen
Ashley Lathen
Evan Frasure
Dale Dillard

Return to Open Session

The Board returned to Open Session 5:38 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Murphy that the Board continue this hearing to next week. In the interim, the District's Administration will be in contact with the counselor of the student, with the permission of the student's parents, for information relating to risk of harm to other individuals.

In the interim, **Student Docket No. 12-01** shall remain in the PASS room with the supervisor and will address any problems that have existed regarding obtaining assignments. While on school property during this one week

period of time involved in this continuance, **Student Docket No. 12-01** shall refrain from any contact with the students who have raised the allegations in question. The voting was unanimous in the affirmative. The Board recessed at 4:39 p.m.

Return to Executive Session – Student Expulsion Hearing:

Following the recess, a motion was made by Ms. Gebhardt and seconded by Mr. Murphy to reconvene to Executive Session at 5:45 p.m. The roll call vote was unanimous in the affirmative: Mr. Murphy, aye; Ms. Gebhardt, aye; Mr. Rash, aye.

OTHERS PRESENT:

Student Docket No. 12-02

Student Docket No. 12-02 Mother

Kent Hobbs, Director of Student Support Services
Andrea Nielsen, Teacher/Interpreter, Alameda Center
Maurice Canfield, 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 6:18 p.m. A motion was made by Mr. Murphy and seconded by Ms. Gebhardt that pursuant to the statutory discretion provided to the Board relating to the discipline of students who have been in possession of weapons, and allowing for exceptions from the mandatory expulsion requirements, and with consideration of the input of the District's Administration, no expulsion for this child shall be implemented or put into place for violation of the District's weapons policy. Consistent with the statute allowing for the placement of reasonable condition upon a student's attendance at school, **Student Docket No. 12-02's** enrollment shall be allowed upon meeting the following conditions:

1. **Student Docket No. 12-02** shall return to his school placement for the remainder of the 2011-2012 school year.
2. The Student's family is to determine, on a daily basis, that the student and the property of the student not contain/possess any form of weapons.
3. The school's administration shall randomly search the backpack that **Student Docket No. 12-02** brings to school as well as the desk of the student to assure that no weapon has been brought onto school property.
4. A Behavioral and Academic Contract shall be developed for the student for the remainder of the school year. A component of this contract shall include the following:
 - a. Some method of regular communication with the mother of the student.
 - b. Scheduled time for the student to meet with the school's counselor.
5. The student and family of the student shall enter into necessary and appropriate paperwork to allow for a free flow of information between the District and any outside counseling service or health care provider or social services provider relating solely to information to aid in the provision of educational services to the student.

Should **Student Docket No. 12-02** 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. 12-02** shall be brought back before the Board of Trustees for consideration of a possible expulsion. The voting was unanimous in the affirmative. The Board recessed at 6:22 p.m.

Return to Executive Session – Student Expulsion Hearing:

Following the recess, a motion was made by Ms. Gebhardt and seconded by Mr. Murphy to reconvene to Executive Session at 6:45 p.m. The roll call vote was unanimous in the affirmative: Mr. Murphy, aye; Ms. Gebhardt, aye; Mr. Rash, aye.

OTHERS PRESENT:

Student Docket No. 12-03

Student Docket No. 12-03 Mother

Kent Hobbs, Director of Student Support Services

Dian Swanson, Principal, Highland High School
Maurice Canfield, 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 7:19 p.m. A motion was made by Ms. Gebhardt and seconded by Mr. Murphy that the Board expel **Student Docket No. 12-03** from attendance at the Pocatello/Chubbuck School District No. 25 for the remainder of the first trimester of the 2011-2012 school year. Such motion is based upon the judgment of the Board of Trustees that **Student Docket No. 12-03** has:

1. Engaged in conduct in violation of the school's discipline policies regarding the possession of a substance considered to be a drug and possession of drug paraphernalia; and
2. 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. 12-03** meeting the following conditions:

1. **Student Docket No. 12-03** shall return to his school placement for the 2011-2012 school year.
2. The student's IEP team and school's administration shall meet to address behavioral and academic expectations, including:
 - i. The development of a Behavioral and Academic contract.
 - ii. Provisions for the periodic administrative search for drugs and/or paraphernalia.
 - iii. The requirement of at least a "C" grade in each of his classes.
 - iv. There will be no repeat of illegal conduct while at the school or on school property.
 - v. The requirement of three letters of apology to the student's parents, school administration, and Officer Daniels that are accurate in language usage and reviewed by the school's administration.
 - vi. To the extent that the student is subject to random UAs as part of probation, the school will be provided with a copy of results, at no cost to the District.
3. The student and family of the student shall enter into necessary and appropriate paperwork with the IEP team and school's administration for a free flow of information between the District, probation, any other counseling service, health care provider and/or social services provider relating solely to information to aid in the provision of educational services to the student.

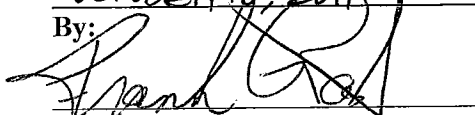
Should **Student Docket No. 12-03** fail to meet the above stated conditions, violate any provision of the Behavioral and Academic Contract, or engage in any other infraction of District or School Discipline Policies, **Student Docket No. 12-03** shall be brought back before the Board of Trustees for consideration of implementation of the expulsion. The voting was unanimous in the affirmative.

Adjourn:

A motion was made by Ms. Gebhardt and seconded by Mr. Murphy to adjourn. The voting was unanimous in the affirmative. The Board adjourned at 7:23 p.m.

APPROVED ON:

MINUTES PREPARED BY:

OCTOBER 18, 2011
By: 
Chair


Secretary, Board of Trustees

ATTESTED BY:


Clerk