

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

**Board Room at the Education Service Center**  
**3115 Pole Line Road**  
**Pocatello, ID 83201**

**Tuesday, January 22, 2013**  
**4:30 p.m.**

**AGENDA**

- 1. Welcome, Call to Order and Statement of Purpose – Chair Gebhardt**
- 2. Varsity Facility Services Contract Renewal – Mr. Reed**  
Included in the packet is a letter outlining Varsity Facility Services rationale for requesting an increase to the current contract by \$5,000 per month. Also included in the packet is a modified agreement extending the payment deadline from February 1, 2013 to February 20, 2013 and the cancellation deadline from March 11, 2013 to March 31, 2013. Should the Board choose 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, that quality control be increased and that summer cleaning be completed in accordance with the District's stated schedule. Mr. Reed will review the information and will speak to the request and will answer any questions at the time of the meeting. The administration recommends renewal of the contract inclusive of the proposed rate increase. The Board will consider renewing the Varsity Facility Services contract during a Special Meeting to be held Wednesday, January 23, 2013 at 4:15 p.m.
- 3. Review Idaho Code 18-3302D – Possessing Weapons or Firearms on School Property and Board Policy 8153 – Prohibition of Weapons – Ms. White/Ms. Vagner**  
Included in the packet is Idaho Statute 18-3302D – Possessing Weapons or Firearms on School Property and Board Policy 8153 – Prohibition of Weapons. Ms. White will be available by phone to review the Statute relative to possessing weapons on school property and will answer any questions at the time of the meeting. Ms Vagner will speak to the Board's Policy and will answer any questions at the time of the meeting.
- 4. Discussion with Pocatello Police Department Police Chief, Scott Marchand**  
Included in the packet is Policy 8220 – Relationship Between the School and Law Enforcement Officials. Ms. Vagner will review the policy and will answer any questions at the time of the meeting. Chief Marchand will be in attendance to provide his perspective relative to school safety and the possession of weapons on school property. The Board will engage with the Chief and the administration in discussion relative to school safety.
- 5. Adjourn**

January 8, 2013

**Via U.S. Mail and Hand-delivery**

Pocatello/Chubuck School District 25  
Attn: Bart J. Reed  
Director of Business Operations  
3115 Pole Line Road  
Pocatello, Idaho 83201-6119

**RE: Requested Increase and/or Notice of Cancellation**

Dear Bart,

Over the past number of years Varsity has had the pleasure serving the janitorial and maintenance needs for the Pocatello School District. Since the last contract renewal in 2005 Varsity has sought for minimal increases even with major changes in minimum wage. Over this period only one small increase has been granted. Varsity has lost large sums of money since 2007 and was willing to take some of the losses along the way as a member of the Pocatello Community. We have provided a simple table below to provide an idea of the losses incurred. However, at this point the losses have reached a point that we cannot continue under the current pricing structure. Varsity is seeking a minimum of a \$5,000 a month increase to mitigate losses and get closer to break even. You will readily recognize that this requested increase will not fully recover our current annual losses. We are seeking only a partial increase from the school district as evidence that we continue to want to assist the school district achieving their financial needs as a concerned partner in the community. We are committed to implementing achievable labor and management efficiencies where possible to make up for the remaining shortfall. We would ask that this increase be approved and implemented effective February 1, 2013. If the School Board does not approve the increase, this letter will serve as our notice of cancellation with termination of service to be effective March 11, 2013.

While we have appreciated our relationship over the past years, we cannot continue under these current financial conditions. Thank you for your consideration of this matter.

Thank you,

  
*FOR*

Casey Killian  
NW Regional Operations Manager  
Varsity Contractors, Inc.



	2005	2006	2007	2008	2009	2010	2011	2012
<b>Minimum Wage</b>	<b>5.15</b>	<b>5.15</b>	<b>5.15</b>	<b>5.85</b>	<b>6.55</b>	<b>7.25</b>	<b>7.25</b>	<b>7.25</b>
<b>CONTRACT SALES</b>								
501 Contract Sales	\$ 527,987	\$ 543,634	\$ 544,608	\$ 544,608	\$ 543,690	\$ 547,691	\$ 541,051	\$ 441,309
* CONTRACT SALES	\$ 527,987	\$ 543,634	\$ 544,608		\$ 543,690	\$ 547,691	\$ 541,051	\$ 441,309
<b>EXTRA WORK</b>								
502 Extra Work	\$ 13,339	\$ 14,424	\$ 884	\$ -	\$ 780	\$ 488	\$ -	\$ -
* EXTRA WORK	\$ 13,339	\$ 14,424	\$ 884	\$ -	\$ 780	\$ 488	\$ -	\$ -
<b>TOTAL OPERATING INCOM</b>	<b>\$ 541,336</b>	<b>\$ 558,057</b>	<b>\$ 545,492</b>	<b>\$ 544,608</b>	<b>\$ 544,470</b>	<b>\$ 548,179</b>	<b>\$ 541,051</b>	<b>\$ 441,309</b>
<b>SUBCONTRACT</b>								
SUBCONTRACT INCOME	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
* SUBCONTRACT INCOM	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>RESALE</b>								
504 Resale of Supplies	\$ -	\$ 163	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
* RESALE OF SUPPLIE	\$ -	\$ 163	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL SUBCONTRACT/RES</b>	<b>\$ -</b>	<b>\$ 163</b>	<b>\$ 3,240</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL INCOME</b>	<b>\$ 541,336</b>	<b>\$ 558,220</b>	<b>\$ 548,732</b>	<b>\$ 544,608</b>	<b>\$ 544,470</b>	<b>\$ 548,179</b>	<b>\$ 541,051</b>	<b>\$ 441,309</b>
<b>INCOME TAXES</b>								
* INCOME TAXES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL PROVISION FOR TAX</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>NET INCOME</b>	<b>\$ 24,259</b>	<b>\$ 32,833</b>	<b>\$ 12,096</b>	<b>\$ 11,547</b>	<b>\$ (36,048)</b>	<b>\$ (36,044)</b>	<b>\$ (69,764)</b>	<b>\$ (100,004)</b>

January 16, 2013

Amendment: Original Letter of Requested Increase and/or Notice of Cancellation.

Bart,

Per our discussion last Friday Varsity will agree to extend the funding date of February 1 to February 20 and the cancellation date from the March 11 to March 31, and the District agrees to issue a Purchase Order to cover the requested funds for February and March that Varsity has requested. You agreed to issue a PO regardless of a long-term contract funding or cancellation. With approval the PO would be \$10,000 to cover February and March and the increased funding of \$5,000 per month moving forward. With cancellation; the PO will be \$5,000 per month or total of \$10,000 to cover both February and March.

Please let me know if this is different than your understanding of our discussion and agreement last Friday. Should this be your understanding as well, please sign below and return a copy to me.

Thank you,

Casey Killian  
NW Regional Operations Manager  
Varsity Facility Services, Inc.

Agreed this \_\_ day of January 2013

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J. Bart Reed  
Director of Operations  
Pocatello / Chubbuck School District 25



# Idaho Statutes

## TITLE 18 CRIMES AND PUNISHMENTS

### CHAPTER 33 FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

#### 18-3302D. POSSESSING WEAPONS OR FIREARMS ON SCHOOL PROPERTY.

(1) (a) It shall be unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school in this state or while riding school provided transportation.

(b) The provisions of this section regarding the possession of a firearm or other deadly or dangerous weapon on school property shall also apply to students of schools while attending or participating in any school sponsored activity, program or event regardless of location.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means any weapon as defined in 18 U.S.C. section 930;

(b) "Firearm" means any firearm as defined in 18 U.S.C. section 921;

(c) "Minor" means a person under the age of eighteen (18) years;

(d) "Possess" means to bring an object, or to cause it to be brought, onto the property of a public or private elementary or secondary school, or onto a vehicle being used for school provided transportation, or to exercise dominion and control over an object located anywhere on such property or vehicle. For purposes of subsection (1)(b) of this section, "possess" shall also mean to bring an object onto the site of a school sponsored activity, program or event, regardless of location, or to exercise dominion and control over an object located anywhere on such a site;

(e) "School" means a private or public elementary or secondary school.

(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the possessing of a firearm or other deadly or dangerous weapon.

(4) The provisions of this section shall not apply to the following persons:

(a) A peace officer;

(b) A person who lawfully possesses a firearm or deadly or dangerous weapon as an appropriate part of a program, an event, activity or other circumstance approved by the board of trustees or governing board;

(c) A person or persons complying with the provisions of section [19-202A](#), Idaho Code;

(d) Any adult over eighteen (18) years of age and not enrolled in a



public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his vehicle in an unobtrusive, nonthreatening manner;

(e) A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students or school employees to and from school or a school activity;

(f) Notwithstanding the provisions of section [18-3302C](#), Idaho Code, a person or an employee of the school or school district who is authorized to carry a firearm with the permission of the board of trustees of the school district or the governing board.

(5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars (\$1,000) or both. If a violator is a student and under the age of eighteen (18) years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

**History:**

[18-3302D, added 1993, ch. 153, sec. 1, p. 389; am. 1995, ch. 248, sec. 1, p. 819; am. 2000, ch. 420, sec. 1, p. 1366.]

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## PROHIBITION OF WEAPONS

DATES (Adopted/Revised)	GUIDE WORDS
Adopted September, 2007 Revised September, 2008	Weapons Students Expulsion Discipline

**Zero Tolerance**

The District has a "zero tolerance" for students and adults who possess, use or store firearms or other deadly or dangerous weapons, objects or substances used or capable of being used as a weapon or which pose a threat to the health and safety of other students, staff members or visitors, or are disruptive of the educational process.

This "zero tolerance" policy applies regardless of whether or not the weapon is brought upon school grounds, a school bus or is brought to a school-sponsored activity, regardless of whether on or off school grounds.

- Zero tolerance means that each incident will be dealt with in accordance with Policy 8210.

**Definitions:**

- Firearm - Firearm includes:
  - Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel any projectile by the action of an explosive;
  - Any frame or receiver of any such weapon;
  - Any firearm muffler or firearm silencer;
  - Any destructive device, including any explosive, incendiary or poison gas bomb, grenade, rocket having propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than ¼ ounce, minor, or device similar to any of these devices;
  - Any type of weapon which will or may readily be converted to expel a projectile by the action of any explosive or other propellant, and which has any barrel with a bore of more than 1/2 inch in diameter; or
  - Any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may readily be assembled.
- Deadly or Dangerous Weapon - A weapon is defined as any device, instrument, material or substance designed to cause serious physical injury, or any item which, under the circumstances for which it is used, attempted to be used or threatened to be used, is readily capable of causing serious physical injury to another student, staff member or visitor to the school or any property at the school, on the school bus or at any school-sponsored event.

**PROHIBITION OF WEAPONS**

Such items may include but not necessarily be limited to:

- o Knives of any and all kinds - If the blade is less than 2-1/2 inches and the knife is not used as a weapon, discretion may be used as to the consequence. If the blade is 2-1/2 or more inches, regardless of use, the student is subject to expulsion.
- o Martial Arts weapons;
- o Bows/Arrows;
- o Clubs;
- o Brass/Metal knuckles;
- o Sharp edged utensils;
- o Razors;
- o Any explosive;
- o Any incendiary device;
- o Any poison;
- o Any combustible or flammable liquid or other item such as hair spray or deodorant spray.
- Possession - Includes both actual and constructive possession:
  - o Actual Possession - the individual has knowingly exercised direct physical control over an object.
  - o Constructive Possession - the individual is not in actual physical possession of the time but knowingly has the power and intent at a given time to exercise control or dominion over an object, either directly or through other persons.

Examples of when a weapon is in a student's possession include but are not limited to time when weapons are found in the following locations:

  - o On a student's person;
  - o In the student's personal property - i.e. clothing, purse, backpack;
  - o In the vehicle driven by the student parked on school property;
  - o In a student's desk
  - o In a student's locker
  - o Any other school-related location.

**Prohibitions:**

Students attending district schools are prohibited from:

- Possessing, carrying, using, and/or threatening to use objects/substances which are manufactured, used or intended for use as a "weapon" or any reproduction thereof, on any school property, on any school bus, or at any school sponsored activity held at any location.
- Possessing, carrying, using, and/or threatening to use any normally non-dangerous or non-traditionally considered "weapon" with the threat, intent or result of causing harm to another person or property, while on any school property, on any school bus, or at any school sponsored activity held at any location.
- Knowingly assisting other person(s) to possess, carry or use any "weapon" while on any school property, on any school bus or at any school sponsored activity held at any location.



**PROHIBITION OF WEAPONS****Applicable State and Federal Laws:**

Section 18-3302D, Idaho Code, makes it unlawful to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school of this state, or while riding in school-provided transportation. It is also unlawful for a student to possess such a firearm or other deadly or dangerous weapon while attending or participating in any school sponsored activity, program or event regardless of location.

The definition of "weapon" for purposes of expulsion pursuant to this code section includes only those items defined under Idaho Code 18-3302D. However, failure of any such item to be included pursuant to this code section/definition does not prohibit or prevent the District from expelling or otherwise disciplining a student pursuant to other provisions of this policy.

Should the Principal have reason to believe that there has been a violation of Idaho Code 18-3302D, after consultation with his Director; a report shall be made to the School Resource Officer. The District will cooperate with any investigation by the agency, including but not limited to delivering to the law enforcement agency the confiscated item(s).

The Gun Free Schools Act is applicable when it is found by District personnel or law enforcement personnel that an individual has carried a dangerous weapon as defined by 18 U.S.C. 921, onto school property.

The definition of weapon for purposes of expulsion pursuant to this code section include firearms or destructive devices which may be readily converted to and expel a projectile by the action of an explosion or other propellant. BB guns, air soft guns, pellet guns, and paint ball guns fall into this category. Antique firearms and rifles which the owner intends to use solely for sporting, recreational or cultural purposes are specifically excluded from this definition. However, failure of any such item to be included pursuant to this code section/definition does not prohibit or prevent the District from expelling or otherwise disciplining a student pursuant to other provisions of this policy.

**Investigation and Disciplinary Actions:**

Any adult employee or staff member of the District who observes any firearm or weapon of any nature or kind shall immediately notify the administration of the building. Thereafter, the building Principal or designee shall immediately consider all elements of safety and if possible, confiscate any item identified as a firearm or weapon.

Dependent on the circumstances, the administrator may seek immediate assistance from law enforcement to confiscate any firearm or weapon.

**PROHIBITION OF WEAPONS**

The building principal shall notify the Superintendent and the School Resource Officer of the events and an investigation shall immediately commence.

The Student in question shall immediately meet with the Principal to address immediate disciplinary actions. Students reasonably believed to have been in possession of, having used or having intended to use any firearm or weapon as outlined above, may be suspended from school until such time as an investigation is completed and/or further disciplinary actions taken.

Any conduct which is determined to violate this policy may result in disciplinary action up to and including formal suspension and/or expulsion. The Board of Trustees shall expel a student, within the discretion of the Idaho Code, when it is determined that the student's actions violate federal and/or state laws regarding the prohibition of weapons.

Any expulsion pursuant to this policy and Idaho Code shall be for a period of not less than one (1) year (12 calendar months). The Board may modify the expulsion on a case-by-case basis.

A student shall be expelled for violations of this policy unless the board votes otherwise after considering the totality of the circumstances. An expulsion may be based upon this policy or State or Federal law as incorporated in this policy.

**Right to Search:**

Employees of the District shall have the right to search all student or other minors found to be on school property, including their personal belongings and lockers, when such individuals are reasonably believed to be in violation of state law or any school rule or regulation regarding the possession of a firearm or other deadly or dangerous weapon.

**Students with Disabilities:**

Disciplining students with disabilities, as defined through IDEA and Section 504, under this policy will follow all applicable federal guidelines.

**Denial of Enrollment:**

The District will reserve the option of denying enrollment to any student who has been expelled from this district, another school district, private school or charter school, for a violation of statute, regulation or policy which prohibits a student from possessing, using or storing any firearm or dangerous or deadly weapon in association with their schooling.

**PROHIBITION OF WEAPONS**

If a student wishes to challenge that decision, he or she is entitled to a due process hearing before the District Board of Trustees, pursuant to Idaho Code 33-205.

## RELATIONSHIP BETWEEN THE SCHOOL AND LAW ENFORCEMENT OFFICIALS

DATES (Adopted/revised)	GUIDE WORDS
August, 1973 August, 1992	Arrest Confidential Information Custody Interrogation Investigation Law Enforcement Officials Police Officers Protection Relationship Sheriff

Relationships between the Pocatello Public Schools and officials of law enforcement agencies in investigative matters concerning pupils will take into consideration the respective roles of the schools and law enforcement agencies in assisting and protecting individual children, protecting the interests of the community, and ensuring the right of all concerned.