

SPECIAL MEETING AND EXECUTIVE SESSION
January 15, 2013

I. CALL TO ORDER

A Special Meeting of the Board of Trustees of Moscow School District No. 281 is called to order January 15, 2013 at 5:34 PM by Dawn Fazio, Chair, pursuant to Idaho Code Sections 33-506, 33-510 and 67-2345 (1) (b) and Notice properly given. The purpose of the Special Meeting is to hold an executive session for a student discipline hearing. Fazio also stated that action on this student hearing will be taken in open session following deliberation in the executive session.

II. DETERMINE QUORUM

The Chair asked the clerk to determine if a quorum of the Board was present for the Special Meeting. The clerk responded that five Trustees are in attendance and a quorum is present. Trustees present are Dawn Fazio, Chair, Zone 4, Kim Campbell, Vice Chair, Zone 3, Jim Frenzel, Zone 1, Aleisa Barber, Zone 2, and Margaret Dibble, Zone 5.

The staff members present are Dale Kleinert, Superintendent, Kevin McDonough, Director of Special Services/Human Resources, Angie Packard, Clerk, Kevin Hill, Principal, Moscow Middle School, and Craig Allen, Assistant Principal, Moscow Middle School.

The student and his parents are also present.

The Chair called for a motion to retire into Executive Session pursuant to Idaho Code 67-2345 (1) (b) for the purpose of holding the student discipline hearing.

Motion and Roll Call vote for Executive Session pursuant to Idaho Code 67-2345 (1) (B) for the discussion of student discipline.

RESOLUTION 13-54

RESOLVED: That the Board of Trustees of Moscow School District No. 281 retire into executive session pursuant to Idaho Code 67-2345 (1) (b) to hold a student discipline hearing.

Dibble moves the Board approve Resolution 13-54, second by Barber. The clerk called the roll for the vote on the resolution for executive session: Fazio – yes, Campbell - yes, Frenzel – yes, Barber – yes, Dibble – yes. The vote was unanimous for the executive session.

The Board retired into Executive Session at 5:35 PM for the student discipline hearing.

IV. EXECUTIVE SESSION

Dawn Fazio, Chair, called the hearing to order at 5:35 PM.

Superintendent Kleinert then read and explained the procedural outline for the expulsion hearing.

Following the procedural steps, Fazio identified herself as the board chair and presider and asked everyone present to identify themselves for the record.

Those in attendance are: The Board of Trustees, MMS Principal Kevin Hill, MMS Assistant Principal Craig Allen, the student and his parents, Superintendent Dale Kleinert, Kevin McDonough, Director of Special Services/Human Resources, and Angie Packard, Board Clerk.

Fazio asked the parents if they had received the information in regards to the expulsion and they stated that they had not received the actual letter from the superintendent yet as they just gotten the notice of a certified letter today from the post office which closes at 4 PM. At this time, Superintendent Kleinert provided the parents with the letter that was mailed to them. Fazio asked if the parents would then like to proceed with the hearing and mother responded yes.

Fazio stated the Board's findings and recommendations must be derived from the evidence presented at this hearing and the Board has the responsibility to compile the facts and make a ruling. Fazio noted that the basic outline of the procedures to be followed during this hearing was outlined earlier by the Superintendent.

Fazio asked if the proponent had any questions concerning the procedures to be followed. Mr. Hill and Mr. Allen responded, "No." Fazio asked if the student or parents had any questions concerning the procedure to be followed and the student and parents responded, "No."

Fazio directed that evidence and testimony be presented to the Board and that all questions, comments, and statements will also be directed to the Board. Fazio stated the intention is to complete the hearing by 6:15 PM, and both parties indicated they were prepared to proceed with the hearing.

Fazio asked the proponents to identify and turn over to the Board any exhibits they wish to include in the basic record. Principal Hill handed out copies to the Board, Superintendent, clerk, and the student's parents and stated that in the packet is the information regarding what happened during this incident, the letter to the parents, and notes. Assistant Principal Allen then gave a statement concerning the recommended expulsion. The student has been suspended for five days by the middle school administrator and an additional two days by the Superintendent.

Fazio asked if the student or parent wished to make a statement or submit any documents and the student responded with a statement. The father and mother also gave a brief statement. Assistant Principal Allen and Principal Hill each gave a brief statement in regards to the evidence.

At this time, the Board reviewed the documents and asked some questions. Dibble asked mom to read a message that was on her Facebook account that the mother had referenced earlier. Assistant Principal Allen then gave a brief summation. The father and mother also gave a final statement.

Fazio stated that deliberation would be held by the Board in executive session with action taken in open session following the executive session tonight.

The student, parents, and principals were excused from the room at 6:10 PM.

The Board then held further discussion in executive session.

V. RETURN TO OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The Chair announced that the Board was returning to open session at 6:30 PM. Fazio then called for a motion for action on Student Case 13-01.

RESOLUTION 13-55

RESOLVED: That the Board of Trustees of Moscow School District No. 281 hereby expels the student identified by Student Discipline Case 13-01 for one calendar year pursuant to Board Policies 5053.01 (h), 5053.08, 5053.08.01 and Idaho Code 33-205.

FURTHER RESOLVED, that the student identified by Case 13-01 is not allowed access to the campuses of Moscow School District or attendance at any school events during the expulsion.

BE IT FURTHER RESOLVED that the student identified by Case 13-01 must show evidence of the following conditions before applying for re-entry:

1. Development and documentation of a written set of goals which will include appropriate standards of behavior in school, attitude, and academic objectives upon petition for re-entry.
2. Development and documentation of a successful independent learning program while out of school that, when completed, will show compelling evidence of successful academic growth.
3. Display confirmation from Moscow School District administrators that the student did not enter any campus during the time of expulsion from the district.
4. If the student shows evidence of meeting the above goals, he may petition for early entry into the Moscow School District at the start of the fourth quarter of the 2012-2013 school year. The student must make an appointment and meet with the administration of the Moscow Middle School on or before March 18, 2013 to show evidence of the goals listed above.

If all of the above requirements have been met and approval is granted by the administration of Moscow Middle School on or before March 18, 2013, application by the student must be made to the Superintendent's office by March 20, 2013 for a re-entry petition to be heard by the Board of Trustees at the March 2013 Regular Monthly Board Meeting for consideration for re-entry into the Moscow School District at the start of the fourth quarter of the 2012-2013 school year with a grade level placement to be determined by the administration at Moscow Middle School.

Dibble moved the Board approve Resolution 13-55, seconded by Barber. The motion carried 5-0-0.

VI. ADJOURNMENT

There being no further business of the special meeting the Chair announced the meeting was adjourned at 6:34 PM.