

Minutes of the Special School Board Meeting

Of the School Board of Independent School District No. 709 held at the Historic Old Central High School, 215 North First Avenue East, Duluth, Minnesota 55802, on

Tuesday, January 31, 2012

Members Present:

Mary Cameron
Art Johnston
Tom Kasper
Mike Miernicki
Judy Seliga Punyko
Ann Wasson
Bill Westholm

Others Present:

Bill Gronseth, Interim Superintendent
Bill Hanson, Deputy Clerk
Sue Talerico, Interim Secretary

- **Chair Wasson called the special school board meeting of January 31, 2012 to order at 4:30 PM.**

Member Cameron presented the resolution:

RESOLUTION **Executive (Closed) Session**

RESOLVED, By the School Board of Independent School District 709, St. Louis County, Minnesota, that the School Board shall meet in Executive (Closed) Session on Tuesday, January 31, 2012 at approximately 4:30 p.m. in the Board Conference Room of the Historic Old Central High School for the purpose of discussing private educational data relating to two possible student expulsions, conducted pursuant to MN Statute 13D.05 Subd. 2(3).

E-1-12-2970

January 31, 2012

M-Cameron, S-Kasper, to approve the Resolution E-1-12-2970 - Executive Closed Session.

Upon a vote the same was approved – unanimously.

- ***The Board Recessed into Executive Closed Session at 4:32 PM.***

- ***The Board Reconvened the Special School Board Meeting at 5:21 PM.***

Member Kasper presented the resolution:

RESOLUTION EXPELLING A STUDENT

WHEREAS, written notice of the proposed expulsion of a student attending Morgan Park Middle School was served upon the student and the student's parents in compliance with the Minnesota Pupil Fair Dismissal Act;

WHEREAS, a hearing on the proposed expulsion was held before an Independent Hearing Officer on ~~Wednesday, January 25, 2012~~ Monday, January 23, 2012, in the law offices of Dryer Storaasli Knutson & Pommerville located at 200 Sellwood Building, 202 West Superior Street, Duluth, Minnesota 55802-1960;

WHEREAS, the Independent Hearing Officer has made written Findings of Fact, Conclusions, and a Recommendation to the School Board regarding the proposed expulsion;

WHEREAS, the School Board has reviewed the Independent Hearing Officer's Findings of Fact, Conclusions, and Recommendation;

WHEREAS, the Pupil Fair Dismissal Act states that the School Board shall base its decision upon the recommendation; and

WHEREAS, the written notice of proposed expulsion, the name of the student proposed for expulsion, and the Independent Hearing Officer's Findings of Fact, Conclusions and Recommendation are private educational data under the Minnesota Government Data Practices Act;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The School Board hereby accepts and adopts the Independent Hearing Officer's Findings and Fact, Conclusions and Recommendation as the basis for its decision.
2. The School Board hereby expels the student from the schools of Independent School District No. 709 from January 31, 2012, through ~~October 31, 2012~~ July 31, 2012. The expulsion takes effect on January 31, 2012.
3. The Superintendent, or his designee, is directed to mail the following to the student and to the student's parents: a copy of this Resolution; a copy of the Independent Hearing Officer's Finding of Fact, Conclusions and Recommendation; and a letter stating that the student has been expelled effective January 31, 2012, and may be reinstated effective ~~November 1, 2012~~ August 1, 2012.
4. The Superintendent, or his designee, is directed to identify the alternative educational services that are available to the student during the period of expulsion, if the student wishes to take advantage of them.
5. The Superintendent, or his designee, is directed to make an electronic report of this expulsion to the Commissioner of the Minnesota Department of Education within thirty calendar days as required by Minnesota Statutes section 121A.53.

Resolution: E-1-12-2972

January 31, 2012

M-Kasper, S-Seliga Punyko, to approve Resolution E-1-12-2972 – Student Expulsion.

Discussion took place and it was noted that the correct date of the Hearing was January 23, 2012 and the correct end-date for the Expulsion is July 31, 2012, allowing the student to be reinstated effective August 1, 2012.

M-Miernicki, S-Westholm, to approve Resolution E-1-12-2972 as corrected. Upon a vote the same was approved – unanimously.

- *The Board Recessed into Executive Closed Session at 5:27 PM.*
- *The Board Reconvened the Special School Board Meeting at 5:40 PM.*

Member Cameron presented the resolution:

RESOLUTION EXPELLING A STUDENT

WHEREAS, written notice of the proposed expulsion of a student attending Morgan Park Middle School was served upon the student and the student's parents in compliance with the Minnesota Pupil Fair Dismissal Act;

WHEREAS, a hearing on the proposed expulsion was held before an Independent Hearing Officer on Monday, January 23, 2012, in the law offices of Dryer Storaasli Knutson & Pommerville located at 200 Sellwood Building, 202 West Superior Street, Duluth, Minnesota 55802-1960;

WHEREAS, the Independent Hearing Officer has made written Findings of Fact, Conclusions, and a Recommendation to the School Board regarding the proposed expulsion;

WHEREAS, the School Board has reviewed the Independent Hearing Officer's Findings of Fact, Conclusions, and Recommendation;

WHEREAS, the Pupil Fair Dismissal Act states that the School Board shall base its decision upon the recommendation; and

WHEREAS, the written notice of proposed expulsion, the name of the student proposed for expulsion, and the Independent Hearing Officer's Findings of Fact, Conclusions and Recommendation are private educational data under the Minnesota Government Data Practices Act;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The School Board hereby accepts and adopts the Independent Hearing Officer's Findings and Fact, Conclusions and Recommendation as the basis for its decision.
2. The School Board hereby expels the student from the schools of Independent School District No. 709 from January 31, 2012, through ~~January 31, 2012~~ January 21, 2013. The expulsion takes effect on January 31, 2012.
3. The Superintendent, or his designee, is directed to mail the following to the student and to the student's parents: a copy of this Resolution; a copy of the Independent Hearing Officer's Finding of Fact, Conclusions and Recommendation; and a letter stating that the student has been expelled effective January 31, 2012, and may be reinstated effective ~~February 1, 2013~~ January 22, 2013.
4. The Superintendent, or his designee, is directed to identify the alternative educational services that are available to the student during the period of expulsion, if the student wishes to take advantage of them.
5. The Superintendent, or his designee, is directed to make an electronic report of this expulsion to the Commissioner of the Minnesota Department of Education within thirty calendar days as required by Minnesota Statutes section 121A.53.

Resolution: E-1-12-2971

January 31, 2012

M-Cameron, S-Kasper, to approve Resolution E-1-12-2971 – Student Expulsion.

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Member Westholm asked when the start date is for second semester 2013. Interim Superintendent Gronseth stated that it will be January 22, 2013.

M-Westholm, S-Miernicki, to amend the reinstatement date to reflect the first day of second semester 2013, January 22, 2013. Upon a vote on the amended reinstatement date, the same was approved – unanimously.

Upon a vote to approve Resolution E-1-12-2971 as amended, the same was approved – unanimously:

➤ **Chair Wasson adjourned the Special School Board Meeting of January 31, 2012 at 5:43 PM.**