

## Minutes of the Special School Board Meeting

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

Tuesday, August 24, 2021

### Members Present:

Kelly Durick Eder  
David Kirby  
Rosie Loeffler-Kemp  
Jill Lofald  
Alanna Oswald  
Paul Sandholm  
Sally Trnka

### Others Present:

John Magas, Superintendent  
Cathy Erickson, CFO  
Melinda Thibault, Secretary

Chair Lofald called the Special School Board meeting of August 24, 2021 to order at 6:03 p.m.

Chair Lofald read the following statement:

The next item on the agenda is the proposed expulsion of a student enrolled in Independent School District No. 709, Duluth Public Schools. In order to consider the proposed expulsion, the Board must review and discuss educational data regarding the student. The Open Meeting Law, Minnesota Statutes section 13D.05, subdivision 2(a)(3), states that any portion of a meeting must be closed if educational data are discussed. Accordingly, pursuant to the law I have cited, I will hereby entertain a motion that this meeting be closed for the purpose of considering the proposed expulsion of a student.

**M-Durick Eder, S-Loeffler-Kemp, to recess to closed session. Upon a vote, the same was approved – unanimously.**

Recess to Closed Session at 6:05 p.m.

Reconvene to Open Session at 6:50 p.m.

Member Lofald presented the resolution:

### **RESOLUTION EXPELLING A STUDENT**

WHEREAS, written notice of the proposed expulsion of a student 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 Independent Hearing Officer Kevin M. Beck ("Hearing Officer") on August 13, 2021;

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WHEREAS, the Hearing Officer proposed a recommendation, including Findings of Fact and Conclusions, to the School Board regarding the proposed expulsion;

WHEREAS, the School Board has reviewed the proposed Findings of Fact, Conclusions, and Recommendation; and

WHEREAS, the written notice of the proposed expulsion, the name of the student proposed for expulsion, and the proposed 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 proposed Findings of Fact, Conclusions, and Recommendation as the basis for its decision.
2. The School Board hereby expels the student from Duluth Public Schools for the 2021-22 school year.
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 Findings of Fact, Conclusions, and Recommendation; and a letter stating that the student has been expelled effective August 26, 2021 and may apply for enrollment effective at the conclusion of the 2021-22 school year.
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.

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**M-Durick Eder, S-Trnka, to approve Resolution E-8-21-3835 – Resolution expelling a student. Upon a vote, the same was approved – unanimously.**

**M-Trnka, S-Sandholm, to adjourn the meeting. Upon a vote, the same was approved – unanimously.**

Chair Lofald adjourned the Special School Board Meeting of August 24, 2021 at 6:53 p.m.