

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

Thursday November 10, 2011

Members Present:

Mary Cameron
Gary Glass
Tim Grover
Art Johnston
Tom Kasper
Judy Seliga Punyko

Others Present:

IV Foster, Superintendent
Melinda Thibault, Secretary

Members Absent:

Ann Wasson

Chair Seliga Punyko called the special school board meeting of November 10, 2011 to order at 12:00 p.m.

Member Kasper 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 Thursday, November 10, 2011 at approximately 12:00 p.m. in the Board Conference Room of the Historic Old Central High School for the purpose of discussing private educational data relating to a possible student expulsion, conducted pursuant to MN Statute 13D.05 Subd. 2(3) 13D.05 Subd. 2(3).

E-11-11-2949

November 10, 2011

M-Kasper, S-Cameron, to approve the Resolution E-11-11-2949 - Executive Closed Session.

M-Grover, S-Kasper, to amend the resolution as follows:

In order to help meet the District's obligation to enact appropriate security safeguards, (1) the District will maintain one official recording of closed sessions when required and in accordance with the law; (2) that individual Board members are not allowed to record closed sessions; (3) that individual board members must affirm before going into a closed session that he or she will not record the closed session; (4) that failure to make such an affirmation precludes the Board member from attending the closed session.

Member Johnston called a point of order that the amendment isn't germane to the issue. Chair Seliga Punyko ruled that it is germane to the issue.

M-Johnston, S-Glass, to appeal the decision on the chair.

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Board discussion took place regarding the proposed amendment.

Upon a vote to uphold the chairs decision the same passed 4-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko

Nay: Glass, Johnston

Chair Seliga Punyko called for a vote on the amendment.

Member Johnston called a point of order that he wanted continued discussion on the matter.

Board discussion continued.

Upon a vote on the amendment to the resolution, the same passed 4-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko

Nay: Glass, Johnston

Upon a roll call vote - to vote yes or no to the amended motion and affirm whether or not board members will be recording the meeting the same passed 4-2 as follows:

Cameron - yes – will not record

Glass – no – will not record

Grover – yes – will not record

Johnston – no – refused to answer if he would be recording

Kasper – yes – will not record

Seliga Punyko – yes - will not record

Chair Seliga noted that Member Johnston would not be allowed to attend the closed session since he refused to answer the question of whether he would be recording the meeting.

The board recessed into closed session at 12:16 p.m.

The board reconvened at 1:51 p.m.

Member Grover 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 an Independent Hearing Officer on Wednesday, November 2, 2011, 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;

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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 November 10, 2011, through November 10, 2012. The expulsion takes effect on November 10, 2011.
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 November 10, 2011, and may be reinstated effective November 11, 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-11-11-2950

November 10, 2011

M-Grover, S-Kasper, to approve the Resolution E-11-11-2950 – Student Expulsion.

Board discussion took place regarding the expulsion.

Upon a vote the same was approved – 5-1 as follows:

Yea: Cameron, Grover, Johnston, Kasper, Seliga Punyko

Nay: Glass

Member Kasper asked that administration look at options for the student to finish their degree.

Chair Seliga Punyko adjourned the Special School Board meeting of November 10, 2011 at 1:55 p.m.