

BOARD AGENDA
INDEPENDENT SCHOOL DISTRICT 191

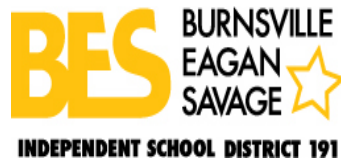
Administrative Services Center, 100 River
Ridge Ct., Burnsville, MN 55337
Special Meeting
March 18, 2014
4:00 PM

- I. Call To Order
- II. Approval of Agenda
- III. Business Meeting
 - A. Move to a Closed Session to Discuss Private Student Data Pursuant to Minn. Statutes 13.D.05, Subdivision 2.4b and 13.32 Data Practices Act 2
 - B. Reconvene to Adopt a Resolution to Expel a Student 3
Presenter: Joe Gothard, superintendent
- IV. Adjourn



Each Student Real-World Ready

Type: Special Meeting	Meeting Date: 03/18/14	Place on Agenda: Business	Exhibit: A
Topic: Close the Board meeting to discuss Private Student Data			
Presenter(s): Joe Gothard, superintendent			
<p>Recommendation</p> <p>The recommendation is to close the board meeting, pursuant to Minnesota Statutes §§13.D.05, Subdivision 2, 4b, and 13.32 for the purpose of discussing private student data.</p> <p>Background</p> <p>Closed sessions of the School Board must be called by a majority vote of board members who are in attendance. Board members will reconvene to take board action.</p>			



Each Student Real-World Ready

Type: Special Meeting	Meeting Date: 03/18/14	Place on Agenda: Business	Exhibit: B
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Topic: Expulsion of a Student

Presenter(s): Joe Gothard, superintendent and Jim Martin, attorney

Background

A student is being recommended for expulsion. This recommendation is in accordance with the School District’s student conduct policy. Board Policy JFC/ JFC-R is published on our website and referred to in the 2013-14 Parent/Student Handbook. Consequences for misbehavior are clearly described in this policy and the student was notified of this policy and the consequences for failing to adhere to the policy. All proceedings leading up to this recommended action are in compliance with the Minnesota Pupil Fair Dismissal Act (Minn. Stat. §§ 121A.40– 121A.56).

The hearing was waived by the student and the student’s parent. Therefore, it is necessary for the School Board to formalize this expulsion. A “Resolution Relating to the Proposed Expulsion of the Student” is attached to this agenda item. The resolution refers to the waiver form and the notice of proposed expulsion. These documents were enclosed with a memorandum that has been provided to the School Board for its consideration. The facts supporting the expulsion are contained in the Notice of Proposed Expulsion that was provided to student and the student’s parent. Members of the School Board should review the Notice of Proposed Expulsion and Waiver before taking action.

Under Minnesota Law, the name of the student and related details are private information. For this reason, the Waiver and Notice of Proposed Expulsion should not be made available to the public. If the School Board wishes to discuss the details of this expulsion in a manner that could identify the student it must first go into closed session. The “Resolution Relating to the Proposed Expulsion of the Student” may be released to the public without its attached exhibits because it does not identify the student.

Recommendation

Adopt the Resolution Relating to the Proposed Expulsion of the Student and expel the student immediately, for the remainder of the 2013-2014 school year, continuing through and including June 5, 2014, as recommended by the administration and agreed to by the parents and student.

Alternatives

Deviate from the recommendation and implement a course of action other than recommended by the administration.

Board Member _____ introduced the following resolution and moved its adoption:

RESOLUTION RELATING TO THE PROPOSED
EXPULSION OF THE STUDENT IDENTIFIED IN THE ATTACHMENTS HERETO
(HEREINAFTER REFERRED TO AS THE "STUDENT")

WHEREAS, the Student is a full-time student of the School District; and

WHEREAS, the Student was placed on suspension and proposed for expulsion pursuant to the Pupil Fair Dismissal Act, Minn. Stat. §§121A.40 - 121A.56; and

WHEREAS, the Student and parent were properly served with written notice of the School District's intent to initiate expulsion proceedings; and

WHEREAS, pursuant to the Pupil Fair Dismissal Act, said notice contained a statement of the facts, witnesses and a description of their testimony, described alternative educational programs, stated the date, time and place of hearing, and advised the Student and the Student's parent of their rights, including their right to waive the hearing in writing if they wished to acquiesce to the expulsion proposed by the School District; and

WHEREAS, this notice was also accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§121A.40 - 121A.56; and

WHEREAS, the Student and a parent elected in writing to waive the scheduled hearing with the understanding that by such waiver, a term of expulsion for the remainder of the 2013-2014 school year would be submitted for action to the School Board of Independent School District No. 191.

THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 191 as follows:

1. The School Board of Independent School District No. 191 hereby accepts the Waiver of Hearing executed by the Student and Parent, a copy of which is incorporated herein by reference.
2. Having reviewed the record relating to this matter, the School Board hereby finds that the School District has fully complied with the Pupil Fair Dismissal Act.
3. Having reviewed the record relating to this matter, the School Board hereby finds that the Student engaged in conduct that constituted: (1) willful violation of reasonable School Board regulations that are clear and definite to provide notice to pupils that they must conform their conduct to the requirements of the regulations; (2) willful conduct that endangers the pupil or other pupils or surrounding persons, including school district employees, or the property of the school; and (3) willful conduct which significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities.

4. In reaching this decision, the School Board has specifically reviewed and considered the Notice of Proposed Expulsion, the signed Waiver, and the Administration Report. The School Board adopts the rationale and recommendation contained in the Notice of Proposed Expulsion regarding the egregious nature of the Student's conduct. The School Board adopts the administration's recommendation that the relative seriousness of the Student's actions requires an expulsion immediately through the remainder of the 2013-2014 school year. Due to the nature of the conduct engaged in by the Student, the terms of suspension and expulsion proposed by the School District are reasonable and appropriate.

5. The School Board of School District No. 191 hereby orders that the expulsion of the Student be imposed pursuant to the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40 -121A.56. Said expulsion shall be imposed immediately for the remainder of the 2013-2014 school year, continuing through and including June 5, 2014, in accordance with the written notice provided to the Student, a copy of which is incorporated herein by reference.

6. The Superintendent is directed to notify the Student, the Student's parent and the Commissioner of Education of the expulsion; and

7. It is further ordered that pursuant to a proper request, the School District shall provide copies of this two-page resolution. However, any release of said resolution shall not include the documents supporting the expulsion as the School Board hereby finds that such materials constitute private data on individuals pursuant to the Minnesota Government Data Practices Act, Minn. Stat. § 13.32. The Superintendent is specifically directed to maintain the private data classification of these materials in accordance with all applicable state and federal law, including the provisions of Minnesota Statutes Chapter 13.

The motion for adoption of the foregoing resolution was duly seconded by Board Member _____ upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same: _____

Dr. DeeDee Currier, clerk