

Special School Board Meeting / Executive (Closed) Session

Duluth Public Schools, ISD 709

Agenda

Tuesday, January 31, 2012

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

4:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Resolution E-1-12-2970 - Executive (Closed) Session**
 - A. Discussion of Private Educational Data Relating to Two Possible Student Expulsions 2
4. **Recess to Executive (Closed) Session**
5. **Reconvene to Special School Board Meeting**
 - A. Resolution E-1-12-2971 3
 - B. Resolution E-1-12-2972 4
6. **Adjournment**

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)

Resolution E-1-12-2970

January 31, 2012

Member introduced the following Resolution and moved its adoption:

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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, 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, 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.
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.

seconded the foregoing resolution and upon a vote being taken thereon, the following voted in favor thereof: .

And the following voted against the same: .

Whereupon said Resolution is declared duly passed and adopted.

Resolution: E-1-12-2971

January 31, 2012

Member introduced the following Resolution and moved its adoption:

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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 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. 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.
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.

seconded the foregoing resolution and upon a vote being taken thereon, the following voted in favor thereof: .

And the following voted against the same: .

Whereupon said Resolution is declared duly passed and adopted.

Resolution: E-1-12-2972

January 31, 2012