

MINUTES  
SPECIAL MEETING OF THE  
BOARD OF EDUCATION – ISD #361  
INTERNATIONAL FALLS, MINNESOTA  
**Thursday, December 9, 2010**  
**Falls High School Library**  
**7:00 a.m.**

- 1. CALL TO ORDER:** Meeting was called to order by Chairperson Hebner at 7:00 a.m.
- 2. ROLL CALL:** Present were Board Members Michelle Hebner, Mark Lassila, Stuart Nordquist, Darrell Wagner and Gordon Dault. Also present was Superintendent Jeff Peura. Absent was Board Member Will Kostiuik.
- 3. AGENDA APPROVAL**  
Moved by D. Wager, seconded by S. Nordquist to approve the agenda as presented.  
Motion carried by a unanimous vote.
- 4. PLEDGE OF ALLEGIANCE**
- 5. ADOPT A RESOLUTION FOR EXPULSION OF STUDENT "A".**  
Member D. Wagner introduced the following resolution and moved as follows:

**RESOLUTION TO EXPEL "STUDENT A" FOR A PERIOD OF 12 MONTHS**

WHEREAS, "Student A" is a 15 year old that was attending 8th grade in the International Falls School District.

WHEREAS, "Student A" is not a special needs student.

WHEREAS, on November 19, 2010, Principal Tim Everson was alerted by a student that "Student A" had a marijuana pipe in his right pocket while on school grounds. The student reported to Mr. Everson that he saw said pipe in the possession of "Student A" in Phy. Ed. Class.

WHEREAS, Mr. Everson informed "Student A" that it had been reported to him that "Student A" was in possession of a marijuana pipe. Mr. Everson asked "Student A" to empty his pockets and "Student A" complied. "Student A" removed a marijuana pipe from his pocket that contained a small amount of marijuana resin inside said pipe.

WHEREAS, this is the second drug offense of "Student A" in the past year, as "Student A" was found to be in possession of drug paraphernalia and a small amount of marijuana at a school location on November 25, 2009 and was suspended from school for this prior offense.

WHEREAS, Principal Tim Everson contacted law enforcement who came to the school and met with "Student A."

WHEREAS, possession of drug paraphernalia (marijuana pipe) containing a small amount of drug (marijuana) resin at a school location is a violation of reasonable school board regulations and policies. For example, said conduct is a violation of the "Student Handbook" (Pg. 10, Section XVIII, #2), the "Chemical Use and Abuse Policy" (Board Policy #515.6), the "Drug-Free Workplace / Drug Free School Policy" (Board Policy #418) and the "Student Discipline Policy" (Board Policy # 506, Section VI, #9-10) and the consequence for possession of drug paraphernalia (marijuana pipe) containing a small amount of drug (marijuana) resin for the second time in less than a year at a school location by a student is expulsion.

WHEREAS, the possession of drug paraphernalia (marijuana pipe) containing a small of drug (marijuana) resign at a school location is conduct that significantly disrupts the rights of others to an education and the ability of school personnel to perform their duties, or school sponsored extracurricular activities.

WHEREAS, the possession of drug paraphernalia (marijuana pipe) containing a small amount of drug resign (marijuana) at a school location is conduct that endangers the pupil or other pupils or surrounding person, including school district employees.

WHEREAS, "Student A" was suspended pending expulsion proceedings and was given proper notice of said suspension.

WHEREAS, "Student A" and his parents were also provided with a "Notice of Proposed Expulsion" concerning "Student A", which by this reference is incorporated herein. Among other things, the "Notice of Proposed Expulsion" apprised "Student A" and his parents of the following rights: A). The right to have legal counsel present at the expulsion hearing; B). The right to examine educational records; C). The right to present evidence and cross-examine witnesses called by the school district; D). The right to have the hearing scheduled at a time and place reasonably convenient to them; E). That free or low cost legal assistance may be available to them and a list of resources was available from the Minnesota Department of Education; F). The right to compel the attendance of any official, employee, or agent of the school district; G). The time, date and location of the expulsion hearing; and H). All other rights set forth in the "Notice of Proposed Expulsion" and the Pupil Fair Dismissal Act, which was attached to said notice.

WHEREAS, "Student A" and his parents signed the "Waiver of Right to Hearing and Consent to Expulsion", which is incorporated by this reference herein, effectively waiving their right to an expulsion hearing and consenting to the expulsion of "Student A" for a period of 12 months. Said "Waiver of Right to Hearing and Consent to Expulsion" was signed knowingly, intelligently and with full understanding of their rights.

WHEREAS, the school board finds no procedural deficiency with the notices and information provided to "Student A."

WHEREAS, the International Falls School Board believes that even straight-A students or students with clean disciplinary records can sometimes engage in behavior that warrants expulsion. Due to the severity of the offense of possessing drug paraphernalia (marijuana pipe) containing a small amount of drug (marijuana) resign and the fact that this is the second similar offense by "Student A" in the past year, the prior grades or behavioral record of "Student A" are immaterial, as "Student A" would have been proposed for expulsion regardless of his grades or behavioral record.

WHEREAS, the school board believes that the expulsion of "Student A" for a period of 12 months is consistent and fair considering this incident is the second offense of this nature within the past year and is comparable from a disciplinary standpoint to the punishment of other students who have possessed drug paraphernalia (marijuana pipe) containing drug resign (marijuana) at a school location.

WHEREAS, the school board recognizes and accepts the responsibility of providing student "Student A" with appropriate alternative educational services intended to meet his educational needs. Currently, "Student A" is receiving alternative educational services in the form of homebound instruction.

BE IT RESOLVED, by the school board of Independent School District No. 361, International Falls, that "Student A" be expelled from attending school at Independent School District No. 361, International Falls, for a period of 12 months from the date of this Resolution.

BE IT RESOLVED, that the motion for the adoption of the foregoing Resolution was duly seconded by M. Lassila and upon a vote being taken thereon, the following voted in favor thereof: M. Lassila, S. Nordquist, D. Wagner, G. Dault and M. Hebner and the following voted against the same: none  
Whereupon, said resolution was declared duly passed and adopted.

## **6. ADOPT A RESOLUTION FOR EXPULSION OF STUDENT "B".**

Member D. Wagner introduced the following resolution and moved as follows:

### **RESOLUTION TO EXPEL "STUDENT B" FOR A PERIOD OF 12 MONTHS**

WHEREAS, "Student B" is a 13 year old that was attending 7<sup>th</sup> grade in the International Falls School District.

WHEREAS, "Student B" is not a special needs student.

WHEREAS, on November 18, 2010, Principal Tim Everson and Dean of Students Kevin Grover saw "Student B" make contact with another former student on school grounds that had previously dropped out of school at the International Falls School District. Everson and Grover believed that they saw something change hands from the student that had previously dropped out to "Student B."

WHEREAS, upon entering the school building "Student B" confirmed to Principal Tim Everson that he had been talking to the student that had previously dropped out of school, but denied that anything was transferred between them. "Student B" instead claimed that they had "hit fists."

WHEREAS, Principal Tim Everson asked "Student B" to empty his pockets and "Student B" complied. "Student B" then removed a large folding knife from his right pocket. "Student B" also removed a pack of cigarettes and a lighter from his pockets.

WHEREAS, "Student B" claimed he "forgot" that the knife was in his pocket.

WHEREAS, it has not been reported that "Student B" threatened anyone at the International Falls School District with the knife.

WHEREAS, Principal Tim Everson contacted law enforcement who came to the school and took information from "Student B."

WHEREAS, possession of a weapon, such as a knife, at a school location is a violation of reasonable school board regulations and policies. For Example, possession of a weapon at a school location is a violation of the "School Weapons Policy," the "Student Handbook" (Section IX, pg. 10) and the "Student Discipline Policy" (Pg. 5, #11 and 12) and the consequence for possession of a weapon (knife) at a school location by a student is expulsion.

WHEREAS, the possession of a weapon, such as a knife, at a school location is conduct that significantly disrupts the rights of others to an education and the ability of school personnel to perform their duties, or school sponsored extracurricular activities.

WHEREAS, the possession of a weapon, such as a knife, at a school location is conduct that endangers the pupil or other pupils or surrounding person, including school district employees.

WHEREAS, "Student B" was suspended pending expulsion proceedings and was given proper notice of said suspension.

WHEREAS, "Student B" and his mother were also provided with a "Notice of Proposed Expulsion" concerning "Student B", which by this reference is incorporated herein. Among other things, the "Notice of Proposed Expulsion" apprised "Student B" and his mother of the following rights: A). The right to have legal counsel present at the expulsion hearing; B). The right to examine educational records; C). The right to present evidence and cross-examine witnesses called by the school district; D). The right to have the hearing scheduled at a time and place reasonably convenient to them; E). That free or low cost legal assistance may be available to them and a list of resources was available from the Minnesota Department of Education; F). The right to compel the attendance of any official, employee, or agent of the school district; G). The time, date and location of the expulsion hearing; and H). All other rights set forth in the "Notice of Proposed Expulsion" and the Pupil Fair Dismissal Act, which was attached to said notice.

WHEREAS, "Student B" and his mother signed the "Waiver of Right to Hearing and Consent to Expulsion", which is incorporated by this reference herein, effectively waiving their right to an expulsion hearing and consenting to the expulsion of "Student B" for a period of 12 months. Said "Waiver of Right to Hearing and Consent to Expulsion" was signed knowingly, intelligently and with full understanding of their rights.

WHEREAS, the school board finds no procedural deficiency with the notices and information provided to "Student B."

WHEREAS, the International Falls School District takes a zero tolerance stance in regards to the possession of weapons on school property.

WHEREAS, the International Falls School Board believes that even straight-A students or students with clean disciplinary records can sometimes engage in behavior that warrants expulsion. Due to the severity of the offense of possessing a weapon in the form of a knife on school property, the prior grades or behavioral record of "Student B" are immaterial, as "Student B" would have been proposed for expulsion regardless of his grades or behavioral record.

WHEREAS, the school board believes that the expulsion of "Student B" for 12 months is consistent and fair when compared to the punishment of other students who have possessed weapons at a school location and is consistent with their zero tolerance stance.

WHEREAS, the school board recognizes and accepts the responsibility of providing student "Student B" with appropriate alternative educational services intended to meet his educational needs. Currently, "Student B" is receiving alternative educational services in the form of homebound instruction.

BE IT RESOLVED, by the school board of Independent School District No. 361, International Falls, that "Student B" be expelled from attending school at Independent School District No. 361, International Falls, for a period of 12 months from the date of this Resolution.

BE IT RESOLVED, that the motion for the adoption of the foregoing Resolution was duly seconded by S. Nordquist and upon a vote being taken thereon, the following voted in favor thereof: M. Lassila, S. Nordquist, D. Wagner, M. Hebner and G. Dault.

and the following voted against the same: none

Whereupon, said resolution was declared duly passed and adopted.

## **7. ADJOURNMENT**

Moved by S. Nordquist, seconded by D. Wagner to adjourn the meeting at 7:13 p.m.  
Motion carried by a unanimous vote.

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Attest: Stuart Nordquist-Clerk