

KENAI PENINSULA BOROUGH SPECIAL SCHOOL BOARD MEETING
Borough Administration Building
Soldotna, Alaska 99669

May 7, 1996

- SCHOOL BOARD MEMBERS: Mrs. Mari-Anne Gross, President
Mr. Joe Arness, Vice President
Mrs. Susan Larned, Clerk
Mr. Emery Thibodeau, Treasurer
Dr. Nels Anderson, Member
Mrs. Joyce Fischer, Member
Mrs. Deborah Germano, Member
Miss Aubrey Robinson, Student Representative
- STAFF PRESENT: Mrs. Sharon Radtke, Executive Director, Personnel
Mr. Thomas Thorpe, Assistant Superintendent, Instruction
- CALL TO ORDER: Mrs. Gross called the meeting to order at 9:35 a.m.
- ROLL CALL:
- | | |
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| Mrs. Mari-Anne Gross | Present |
| Mr. Joe Arness | Present - Late 9:36 p.m. |
| Mrs. Susan Larned | Present |
| Mr. Emery Thibodeau | Absent - Excused |
| Dr. Nels Anderson | Present |
| Mrs. Joyce Fischer | Present |
| Mrs. Deborah Germano | Absent - Excused |
| Miss Aubrey Robinson | Absent - Excused |
- APPROVAL OF AGENDA: The agenda was approved as printed.
- EXECUTIVE SESSION: At 9:36 a.m., Dr. Anderson moved the Board go into executive session to discuss subjects that tend to prejudice the reputation and character of any person, provided the person may request a public hearing. Mrs. Fischer seconded.
- Motion carried unanimously.
- ADJOURN EXECUTIVE SESSION: At 2:30 p.m., Dr. Anderson moved the Board adjourn the executive session. Mrs. Larned seconded.
- Motion carried unanimously.
- EXPULSION #1:
ACTION Mr. Arness moved the Board approve the findings in the matter of the student MH . "This matter was heard before the board on Tuesday, May 7, 1996. MH was present. Also present was the mother; Ms. Marlene Byerly, Principal of Skyview High School; Joe Montegue, Public Defender and Tom Thorpe, Assistant Superintendent for Instruction. The district recommends expulsion of the student until the beginning of the first semester of 1996-97.

EXPULSION #1 (cont.):

The principal submitted a detailed hearing report and also testified as to the events leading to this hearing. She stated that MH was suspended on April 9, 1996 on the grounds that MH posed a danger and threat to students at Skyview High School. MH had been arrested for armed robbery and possession of a loaded semi-automatic weapon. Mrs. Byerly's information was based on a report in the Peninsula Clarion. MH had been arrested for first degree robbery and third degree assault. According to the article on March 22, 1996 he attempted to take money from a convenience store and threatened to use force on two people in the store. Mrs. Byerly stated that in light of his actions, she felt he was a threat to the safety and welfare of the students. Mrs. Byerly stated that she did not feel comfortable with regard to her ability to predict the safety of the children at Skyview High if MH returned to school.

MH testified. He stated that when he first came to Skyview High School his freshman year he did not look at his high school education as a vital part of his future. He dropped out during the beginning of his junior year. However, he realized his behavior was a mistake and he decided to change his way. He returned to school. He did well in school and said was happy with himself because he was going to graduate this year. He stated that he had been working so hard and that with only 9 days left he just wanted to get his diploma. He stated he did not want to get a G.E.D. but rather wanted to get a full high school diploma. He would like to go to a trade school and plans to go to Montana to learn fiber optics and to be a lineman for a telephone communications company.

The board's first concern is the safety of all the students in the schools. MH has been indicted for armed robbery and assault. However, at the hearing he invoked his fifth amendment rights and neither denied or affirmed the allegations concerning his actions. According to the uncontradicted testimony MH has otherwise been an exemplary student this year. In light of MH's strong desire to obtain his diploma and the fact that there are only 9 days remaining, the board exercises its discretion and concludes that Michael will not be expelled. The board concludes that the forty-five day suspension will remain in effect. The district may afford MH access to school to complete his course work under the direction of Mrs. Byerly. MH shall not go on school grounds without making prior arrangements with Mrs. Byerly. His mother must be present with him at all times when he is on school grounds. MH will not be allowed to attend school activities." Dr. Anderson seconded.

Motion carried unanimously.

EXPULSION #2
ACTION

Mr. Arness moved the Board approve the decision of the Kenai Peninsula Borough School District in the matter of ET. "This matter was heard before the board on Tuesday, May 7, 1996. ET was not present, but her mother attended by teleconference. Mr. Malcolm Fleming, Principal of Seward Jr/Sr High and Tom Thorpe, Assistant Superintendent for Instruction were present and recommended expulsion of the student for the remainder of the 1995-96 school year. Mr. Thorpe suggested that the board consider early readmission if ET completed a drug assessment and treatment program and also completed the school work she had missed.

The principal testified as to the events leading to this hearing and recommended expulsion. Earlier in the school year ET moved from Seward to Soldotna and enrolled at Soldotna Middle School. On October 30, 1995, she was suspended from Soldotna Middle School for forty-five days for the possession of drug paraphernalia at a school function. The hearing officer ruled that ten days could be reduced for ten hours of community service and an additional ten days of the suspension could be reduced if she completed drug and alcohol screening and treatment. She did complete the ten hours of community service. There is no evidence that she completed that drug and alcohol screening. She moved back to Seward and reenrolled in the Seward Jr/Sr High School.

On April 11, 1996 Steven Wilcox, Assistant Principal of Seward Jr/Sr High, conducted a locker search of ET's locker. She was present during the search. Mr. Wilcox found a small package, which ET said contained marijuana. ET's eyes appeared red and dilated. She was administered a rapid eye exam by the school nurse, Regina Wright. ET failed the test. Mr. Wilcox telephoned the Seward police, who took possession of the package. The Seward Police verified that the substance was, in fact, marijuana. A urinalysis test was negative. This evidence was not contradicted or disputed.

Mr. Thorpe read a written letter from ET's mother. The letter stated that she had been home schooled for a number of years and was an excellent student. ET's mother offered no additional testimony at the hearing.

Board policy on substance abuse requires the district to recommend expulsion for a second substance abuse violation. Given the uncontradicted evidence, the board concludes that it is necessary to remove this student from the school by expulsion for one calendar year. The board will permit her to apply for early readmission, which will be considered in the fall of 1996, upon proof that she has completed core

EXPULSION #2 (cont.):

classes required for the 8th grade. The board authorizes her limited readmission for the purpose of taking correspondence classes at her own expense. Except as necessary for such readmission, ET shall not go on school grounds during the period of expulsion for any reason, nor shall she attend any school event or function whatsoever." Mrs. Fischer seconded.

Motion carried unanimously.

ADJOURN:

At 2:39 p.m., Mr. Arness moved the Special School Board Meeting be adjourned. Mrs. Larned seconded.

Motion carried unanimously.

Respectfully Submitted,

Mrs. Mari-Anne Gross, President

Mrs. Susan Larned, Clerk

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The Minutes of May 7, 1996,
were approved on June 10, 1996,
as written.