

10-3-12 Minutes

SPECIAL CALL OPEN SESSION

Wednesday, October 3, 2012

The Board of Directors of the Davenport Community School District in the counties of Scott and Muscatine, State of Iowa, met in a Special Call Open session on Wednesday, October 3, 2012, pursuant to law and the rules of said Board. The meeting was held at 1606 Brady St., Davenport, Iowa, in said District in the Jim Hester Board Room. On roll call the following board members were present: President Johanson; Directors Larry Roberson, Rich Clewell, Nikki De Fauw and Bill Sherwood. Superintendent Tate and Wendy Meyer from Lane & Waterman were also present.

President Ralph Johanson reconvened the open session at 4:05 PM.

President Johanson stated the board will meet in open session at 4:05 PM and would normally move into closed session to consider the expulsion/exclusion of a student or students, unless an open session is requested by the student, or a parent or guardian of the student if the student is a minor, in compliance with Section 21.5 (1)(e), Code of Iowa. The board would normally return to open session and take official action concerning the matter discussed in closed session. However, the parent, Isaac Wilmington, has requested an open session, so this matter will be held in open session.

The parent was advised and the parent acknowledged that he had requested an open session and that he was consenting to the discussion of student records in open session that may otherwise be confidential and that he is waiving the right to confidentiality of such records due to the proceedings being held in open session.

President Johanson stated the purpose of the meeting and provided an overview of the process that would be used for the meeting. Johanson explained that the board, family, and administrators will have the opportunity for comments and questions.

President Johanson verified that all the required communications regarding the potential expulsion (written notice of the incident in question, notice of hearing, written witness statements, student's records, right to representation, etc.) had been received by the parent. Johanson asked for opening statements and then Superintendent Tate read the Findings of Fact and the Administrative Advisory Council and Superintendent recommendations.

Mr. Wilmington was provided the opportunity to ask questions. He asked Dr. Tate to review the findings of fact and the recommendations individually and he commented and asked questions on each item. The board asked questions of the Superintendent and then the parent and student have the opportunity to speak. The board asked questions of the parent and student and then each gave a closing statement.

Ms. Meyer asked Mr. Wilmington if he wanted the board to deliberate in open or closed session and explained what each meant. Mr. Wilmington stated the board should deliberate in closed session.

MOTION: Director Clewell moved the Board go into closed session as provided in Section 21.5(1)(e) of the open meetings law to conduct a hearing to determine whether to suspend, expel or exclude a student,

unless an open session is requested by the student, or a parent or guardian of the student if the student is a minor. Director Sherwood seconded the motion.

The vote on the motion was called and recorded as follows: Ayes: Clewell, Sherwood, De Fauw, Roberson and Johanson. The motion was carried unanimously.

The Board moved into closed deliberation at 5:40PM.

MOTION: Director Clewell moved to adjourn the closed session and return to open session. Director De Fauw seconded the motion.

The vote of the motion was called and recorded as follows: Ayes: Clewell, De Fauw, Roberson, Sherwood and Johanson. Motion carried.

The Board returned to open session at 6:45 p.m. and read the expulsion recommendation.

MOTION: Director De Fauw moved that after the Board's consideration of the evidence presented in the matter of the recommendation to expel Student Case #1107;

- 1) That Student Case #1107 will be expelled from the Davenport Community School District through the end of 2nd term , December 22nd , 2012 and provided alternative services at East Locust Street School;
- 2) Prior to the end of 2nd term, the student will be evaluated by the Administrative Advisory Council to determine appropriate placement in January;
- 3) It is the recommendation of the Board that the student and teacher be offered the opportunity to participate in a facilitated mediation session should both parties agree.
- 4) That Student Case #1107 will not be allowed on any Davenport Community School District property or be in attendance at any school event where a Davenport team is participating during the time of the expulsion.

Director Roberson seconded the motion.

The vote on the motion was called and recorded as follows: Ayes: De Fauw, Roberson, Clewell, Sherwood and Johanson. Motion carried.

ADJOURNMENT

Director Clewell moved the Board adjourn. Director Sherwood seconded the motion. By consensus the Board agreed to adjourn the meeting.

President Johanson declared the meeting adjourned at 6:55PM.

Mary Correthers, Recording Secretary