

Board of Education Special Board Meeting Minutes
December 14, 2017 5:30 PM
Board Room
Administration Office
1801 McKenzie
Pawhuska, OK 74056

1. Call the Meeting to Order, recording of members present and absent, making of request that visitors silence their cell phones and that board members refrain from using their cell phones during the meeting.

President Tolson opened the meeting. Attendance was taken.

Patricia Counts – Present

Danny Ferguson – Present

Justin Sellers – Present

Thomas Boone – Present

Michael Tolson – Present

Others present: Dr. Janet Neufeld, Supt., Lauri Lee, HS Principal, and Sara Pitts, Minutes Clerk

Visitors present: Beth Reed, Logan James, Student "A", Jason Reed, Bryan Drummond, Joe Tillman, Cindy Tillman and Christi McNeil.

2. Pledge of Allegiance, Salute to the Oklahoma Flag and Moment of Silence.

President Tolson led the Pledge of Allegiance, Salute to the Oklahoma Flag and Moment of Silence.

3. Student Suspension Due Process Appeal Hearing for Student "A".

- A. The Board President will ask the parents/student whether they wish the hearing to be in open session or in executive session. If the parents/student wish the hearing to be in executive session, then the Board will consider and vote to go into executive session pursuant to OKLA. STAT. title 25 § 307 (B) (5) to hear evidence and to discuss the suspension of the student in question. Also, the Board can consider and vote to go into executive session pursuant to OKLA. STAT. title 25, § 307 (B) (7) at any time during this hearing where disclosure of information would violate confidentiality requirements of state or federal law.

A motion by Patricia Counts, and seconded by Justin Sellers to convene in Executive Session as requested by the Parents of Student "A".

The motion passed 5-0 with the following vote:

Patricia Counts – Yes

Danny Ferguson – Yes

Justin Sellers – Yes

Thomas Boone – Yes

Michael Tolson – Yes

B. Opening statement by administration or its designee.

C. Opening statement by parents/student or their designees.

D. Presentation of all the administration's evidence subject to cross-examination and questions from the Board of Education.

E. Presentation of parents/students evidence subject to cross-examination and questions from the Board of Education.

F. Presentation of rebuttal evidence and surrebuttal evidence, if any, with cross-examination and questions from the Board of Education.

G. Closing statement by parents/student or their designees.

H. Closing statement by administration or its designee.

I. Deliberation by Board of Education. [If the hearing is NOT held in executive session, then the Board may vote at this time to go into executive session, pursuant to OKLA. STAT. title 25, § 307 (B) (5) & (7) to discuss and deliberate on the suspension of Student "A" since disclosure of information would violate confidentiality requirements of state or federal law.]

J. Vote to acknowledge return to open session.

A motion by Patricia Counts, and seconded by Thomas Boone to return to Open Session.

The motion passed 5-0 with the following vote:

Patricia Counts – Yes

Danny Ferguson – Yes

Justin Sellers – Yes

Thomas Boone – Yes

Michael Tolson – Yes

K. Statement of executive session minutes.

President Tolson read the executive session minutes:

While in executive session pursuant to Oklahoma Statute Title 25, Section 307 (B)(5) and according to the parents' and student's wishes, the Board held the due process hearing of Student "A" regarding his suspension. The Board also discussed and deliberated on the suspension of Student "A" after hearing all of the evidence. The Board discussed no other matters and no votes were taken while in executive session.

L. Motion and vote to adopt findings of facts on the suspension of Student "A".

A motion was made by President Tolson, and seconded by Patricia Counts that the Board adopt the following Findings of Fact:

1. Student "A" was enrolled in the Pawhuska School District at all times relevant to these proceedings.
2. On or about Wednesday, November 29, 2017, local law enforcement agencies, working with a K-9 unit, conducted a tour of the Pawhuska High School building and parking lot. During this tour, law enforcement observed a firearm on the front seat of Student "A's" vehicle parked in the parking lot. Student "A" was summoned and opened the vehicle in the presence of the High School Principal. During the search by law enforcement, 4 firearms were discovered.
3. By letter dated November 30, 2017, the High School Principal suspended Student "A" for one (1) calendar year, for having 1 or more firearms on school district property. Under the law, the Principal had no discretion and was required to suspend Student "A" for at least one (1) calendar year. The law does allow the Board to modify the suspension on a case-by-case basis.
4. By letter dated December 5, 2017, Student "A" appealed the suspension through his attorney.

5. At this hearing, Student "A" did not dispute that he was guilty of having 1 or more firearms in his vehicle on school property. During the hearing, Student "A" simply argued that the suspension was not reasonable.
6. A preponderance of the evidence supports the determination that Student "A" is guilty of the offense for which he was suspended and that the term of the out-of-school suspension stated in paragraph 3 above is unreasonable under the circumstances.
7. The out-of-school suspension of Student "A" for the term stated in paragraph 3 above should be modified as provided in the motion to be made.

M. Motion and vote to affirm suspension or modify suspension (increase or decrease severity of suspension) or overturn suspension of Student "A".

A motion was made by Patricia Counts, and seconded by Thomas Boone, based on the Findings of Fact adopted today, that Student "A" is guilty of the offense charged; that the proposed suspension is unreasonable; and that the proposed suspension of Student "A" be modified so that it continues through the end of January, 2018 with student continuing to do coursework;

1. So long as he does not drive any vehicle on school property through the end of the 2017-2018 school year; and
2. He will organize a "weapons-free" committee, comprised of 2 students from each class (Freshman, Sophomore, Junior and Senior) which will raise awareness of no weapons on all district campuses through speeches to the student body (2 within 2 years) signage, stickers, etc., and he will report back to the Board of Education as to the committee's work every month for the remainder of the 2017-2018 school year and once during his junior and senior years. If the modified suspension conditions are not met, the original one (1) year suspension will be re-imposed immediately.

The motion passed 5-0 with the following vote:

Patricia Counts – Yes
Danny Ferguson – Yes
Justin Sellers – Yes
Thomas Boone – Yes
Michael Tolson – Yes

4. Discussion and vote to set a due process hearing for Braxton Williams and direct that notice of the date, time and place of the due process hearing be sent to Mr. Williams.

Dr. Neufeld recommended January 9, or 11, 2018 for due process hearing for Braxton Williams. All documentation is being gathered for this hearing.

A motion was made by Patricia Counts, seconded by Justin Sellers to direct Dr. Neufeld to set the due process hearing dated.

The motion passed 5-0 with the following vote:

Patricia Counts – Yes
Danny Ferguson – Yes
Justin Sellers – Yes
Thomas Boone – Yes
Michael Tolson – Yes

5. Adjourn

A motion was made by Patricia Counts, seconded by Justin Sellers to adjourn at 8:32 pm.

The motion passed 5-0 with the following vote:

Patricia Counts – Yes
Danny Ferguson – Yes
Justin Sellers – Yes
Thomas Boone – Yes
Michael Tolson – Yes

Approved:

President

Attest:

Minutes Clerk

State of Oklahoma
County of Osage

I, the undersigned Minutes Clerk of the Board of Education of Pawhuska District I-2, Osage County, Oklahoma, certify that notice of the date, time and place of this special meeting was given, at least 48 hours prior to this meeting, and was mailed or delivered to all those who have made written requests.

I also certify that at least 24 hours prior to this special meeting excluding Saturdays, Sundays and holidays, notice of the date, time, place and agenda of this meeting was posted in prominent public view at the location of this meeting.

Witness my hand and seal of this district this 14th day of December, 2017.

Minutes Clerk