

Mountain Home School District No. 193

SCHOOL BOARD MEETING
NOVEMBER 17, 2009
SCHOOL ADMINISTRATION OFFICE

TRUSTEES PRESENT: Chairman Alexander, Trustee Rodney, Trustee Reynolds, Trustee Murray

OTHERS PRESENT: Tim McMurtrey, James Gilbert, Cliff Ogborn, Sharon Whitman, Connie Donahue, Brian Hershey, Ernie Elliott, Bill McCarrel, Jackie Harper, Anita Straw, Polly Sanders, Jeff Johnson, Sherri Ybarra, Nancy Brletic, Albert Longhurst, Erin Acarregui, Jim Main, Robin Riger, Brian English

At 7:30 p.m., Chairman Alexander convened the regular meeting of the Board of Trustees and called for the first item of business.

- I. **APPROVE THE MINUTES OF THE REGULAR BOARD MEETING OF OCTOBER 20, 2009.**
Chairman Alexander called for a motion to approve the minutes of the regular board meeting of October 20, 2009. There being no comment, Trustee Reynolds moved to approve the regular board meeting of October 20, 2009, with a second from Trustee Rodney. Motion approved.
- II. **FINANCIAL REPORTS** – Cliff Ogborn. Mr. Ogborn reported on the financial statements for October 2009. The statements for October reflected a balance of \$468,625. Investments in the State Investment Pool are at \$5,664,447. Unobligated cash and investments are \$6,848,155 net of interfund payables. The Income Statement reflected revenue through October is \$11,784,050 after the receipt of the October 1st State Foundation payment of \$5,347,322. Expenses show salaries are at \$4,771,369 of original budget, and benefits are \$1,694,490. As of October 31, we have a net margin of revenues in excess of expenses of \$4,456,486. Trustee Rodney moved to approve the financial report as presented by Mr. Ogborn. Motion seconded by Trustee Murray. Motion passed.
- III. **CONSIDERATION OF BILLS** – Cliff Ogborn. Mr. Ogborn presented the district bills for approval. Trustee Rodney moved to authorize payment of the district's bills as presented, with a second from Trustee Reynolds. Motion carried. (A full and complete listing of the District's bills may be reviewed at the District Office, Accounts Payable.)
- IV. **STAFF/STUDENT RECOGNITION** – None
- V. **DELEGATION** – None
- VI. **PUBLIC INPUT** – None
- VII. **REPORTS** –
 - A. **MOUNTAIN HOME AFB UPDATE** – Robin Riger. Ms. Robin Riger stated that a big inauguration ceremony for the Singapore Air Force would take place later this week. The Deputy Prime Minister of Singapore and the Secretary of the Air Force will be in attendance. She also mentioned she would be working on a program for children to discuss deployments and such.
- VIII. **UNFINISHED BUSINESS** –
 - A. **POLICY ADOPTION** – 2nd Reading – James Gilbert
 1. Student Handbooks. Mr. Gilbert presented the second reading of the proposed Mountain Home School District No. 193 policy adoption Student Handbooks. This policy gives each building's student handbook more "teeth" by being approved by the Board. There has been no staff or patron input. Trustee Rodney motioned to approve the second reading of the adoption of Student Handbooks, as presented by Mr. Gilbert. Trustee Reynolds seconded the motion. Motion granted.

MOUNTAIN HOME SCHOOL DISTRICT NO. 193
MOUNTAIN HOME, IDAHO 83647
P O L I C Y
STUDENT HANDBOOKS

All student handbooks are approved policy of the Board in accordance with Idaho Code 33-512(6), and MHSD Board Authority, Duties, and Responsibilities and Curriculum Materials Adoption policies, and in conjunction with MHSD School Safety and Discipline policy and the Dress Code procedure and any other relevant and related district policies and procedures. The complete student handbook for each school is on file at the district administration office and at the respective schools.

Students who violate the provisions of the applicable student handbook will be disciplined in accordance with the district policies.

LEGAL REFERENCE: Idaho Code 33-512(6)
 ADOPTED:

IX. NEW BUSINESS –

A. POLICY REVISION – 1st Reading – James Gilbert.

1. Searches, Seizures, and Interviews. Mr. Gilbert presented the first reading of the proposed revisions to Mountain Home School District No. 193 policy Searches, Seizures, and Interviews. The Policy Committee agreed the word “cause” should be replaced by the word “suspicion.” There has been no staff or patron input. Chairman Alexander asked if the word reasonable was needed with the word suspicion and Mr. Gilbert responded that the wording matched more closely to Idaho code. Trustee Murray asked how much flexibility does this give the schools. Mr. Gilbert replied this gives schools a lot of flexibility especially changing the word from cause to suspicion. Trustee Rodney motioned to approve the first reading of the revision of Searches, Seizures, and Interviews, as presented by Mr. Gilbert. Trustee Murray seconded the motion. Motion passed.

MOUNTAIN HOME SCHOOL DISTRICT NO. 193
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P O L I C Y
SEARCHES, SEIZURES, AND INTERVIEWS

Safety and order in the school environment is conducive to education and is essential in order for the academic process to be successful.

I. RATIONALE FOR SEARCHES

Because of the school district's need to provide for the safety, health, security and welfare of students on owned or contracted school property, a school administrator, or designee, may conduct searches of students, students' property, school property, including lockers and desks, both in school and during school sponsored events on or off campus. These searches are based on the following propositions:

1. Education is an important state and local function and requires an atmosphere, which is free from danger and undue disorder.
2. The need to search is based on the right and responsibility that school officials have to maintain order and to ensure the proper functioning of the educational process.
3. Students should have a reduced expectation of privacy at school and during school sponsored activities.

On school property, the right of search extends beyond the student's locker and desk to the student's physical person, ~~and~~ his/her clothing, books, pocketbooks, carrying containers, and automobiles when school administrators consider that a search is necessary due to reasonable **suspicion** ~~cause~~.

In cases of reasonable cause or emergency, school administrators reserve the right to conduct searches with or without the student's presence or permission. **Searches may involve the use of drug dogs, metal detectors, or**

surveillance cameras.

II. SEIZURE OF ITEMS

Searches may result in the seizure by school authorities of contraband items, and/or items whose presence at school violates state laws and/or school rules. Seizures include, but are not limited to, objects lawfully exposed to plain view, either in school and/or in student's automobile parked on school property, objects not within the exclusive possession of the student, and items found or activities observed in school areas normally under the control and supervision of school personnel.

Weapons, look-a-like weapons, illegal substances or objects, or other possessions reasonably determined by school authorities to be a threat to safety, or security to the possessor, or to others may be seized by school authorities. Items belonging to the school or other individuals may also be seized.

III. STUDENT INTERVIEWS ON SCHOOL PREMISES BY OTHER THAN SCHOOL OFFICIALS

When outside officials perceive the need to interview or question a student in school, the school administrator, or designee, will take reasonable steps to safeguard the student. The nature of the interview will be discussed with the school administrator or designee. Parents/guardians will be notified by the school administrator, or designee, unless parental contact will place the student at perceived risk.

IV. RELEASE OF A STUDENT TO LAW ENFORCEMENT OFFICIALS

In the absence of parental or guardian consent, the school administrator, or designee, may release a student to law enforcement officials if a warrant is issued, if the officer is arresting the student without a warrant, or the student is released by school officials, in writing, to law enforcement officials.

Legal Reference: I.C. 18-3302D, 20-516, 33-210, 33-512

The Law of Education in Idaho Article 380

ADOPTED: January 8, 1973

Revised: August 19, 1975

Revised: April 18, 1995

Reviewed: March 15, 2005

Revised:

2. Board Authority, Duties, and Responsibilities. Mr. Gilbert presented the first reading of the proposed revisions to Mountain Home School District No. 193 policy Board Authority, Duties, and Responsibilities. This was originally presented to the Board as reviewed with no recommended changes, but the Board directed the policy be revised to include then new Idaho Code language regarding school trustee term dates and transition. There has been no staff or patron input. Trustee Rodney motioned to approve the first reading of the revision of Board Authority, Duties, and Responsibilities, as presented by Mr. Gilbert. Trustee Murray seconded the motion. Motion approved.

MOUNTAIN HOME SCHOOL DISTRICT NO. 193

MOUNTAIN HOME, IDAHO 83647

P O L I C Y

BOARD AUTHORITY, DUTIES, AND RESPONSIBILITIES

The Mountain Home School District No. 193's Board of Trustees has the powers and duties attributed to it by the Constitution and laws of the State of Idaho. (Idaho Code 33-506)

The school district will be governed by a five (5) member board. **Except as otherwise provided by law, a school district trustee shall be elected for a term of three (3) years or until the annual meeting of his district held during the year in which his term expires, in accordance with Idaho Code 33-501 (Effective until January 1, 2011). Commencing in 2011, a school district trustee shall be elected for a term of four (4) years beginning at twelve o'clock noon on July 1 next succeeding his election, in accordance with Idaho Code 33-501 (Effective January 1,**

2011). ~~The members are elected for a three year (3 year) terms.~~ Each member must be a qualified voter in the school district and a resident of the zone (s)he represents. (Idaho Code 33-501)

NOTE: Idaho Code 33-503A Transition of school trustee terms from three years to four years (Effective January 1, 2011). In order to achieve an orderly transition to terms of four (4) years, and to hold trustee elections in the odd-numbered years, the following schedule shall be followed:

(1) For school district with five (5) trustees:

(a) If two (2) trustees were elected to a regular trustee term in 2007, and one (1) trustee was elected to a regular term in 2008, then these three (3) trustees shall each serve a term that expires on July 1, 2011, and the trustees elected to a regular trustee term in 2009 shall each serve a term that expires on July 1, 2013.

The Board shall have the power and duty to make by-laws, rules, and regulations for its government, and that of the district, consistent with the laws of the State of Idaho and the rules of the State Board of Education. (Idaho Code 33-506)

The Board as a whole has the power to adopt policies. Policies established by the Board will be carried out by the superintendent of schools or others as may be determined by the Board. (Idaho Code 33-506)

The Board will establish the educational policies for the district and will determine the personnel policies of the school system. The board will employ professional school administrators to manage the school system and employ necessary personnel. (Idaho Code 33-511)

The Board will have the responsibility of dispersing and accounting for funds to support the schools system, including the physical plant and necessary equipment. The Board will be responsible for having the books audited annually. (Idaho Code 33-701 & 33-801)

The Board is granted the authority to suspend, grant leave of absence, place on probation, or discharge certificated professional personnel for material violation of any lawful rules or regulations of the Board of Trustees or of the SBE or for any conduct which could constitute grounds for revocation of a teaching certificate. Any certificated professional employee, except the superintendent, may be discharged during a contract term. (Idaho Code 33-513, para 5)

MHSD Board of Trustees recognizes that the Superintendent is the executive officer of the Board of Trustees with such powers and duties that the Board may prescribe. The Board grants authority to the Superintendent or designee, the authority in School Board policy to act on behalf of the School Board and the School District in all administrative matters, including personnel matters. The Superintendent shall act as the authorized representative of the District whenever such is required, unless some other person shall be named by the Board of Trustees to act as its authorized representative. Therefore, the Board of Trustees hereby delegates all powers of the Board, which have not been specifically reserved by statute or Board policy, to the Board of Trustees. (Idaho Code 33-513, para 2)

The Board recognizes that there are situations, which arise concerning certificated employees, which may require immediate suspension or leave of absence. The Board has determined that if the Superintendent or his/her designee determines there exists reasonable articulable suspicion to believe that a certificated employee has engaged in a material violation of any lawful rule or regulation of the Board of Trustees or of the State Board of Education, has engaged in conduct which could constitute grounds for revocation of a teaching certificate, or is the subject matter of an investigation where the presence of the certificated employee may unduly influence or undermine a personnel investigation, whose conduct (1) violates the Idaho Code of Ethics, (2) creates an imminent threat to students or staff, (3) has violated school board policy, or (4) where suspension is necessary in order to complete an investigation involving that employee where staff and students may be interviewed, the Superintendent or his/her designee shall have the authority to suspend with pay the certificated employee pending the next regularly scheduled Board meeting or not less than six (6) days nor more than twenty-one (21) business days. The Board reserves the right to review and change the decision of the superintendent if the Board disagrees with the resolution of any employment issue. (Idaho Code 33-513)

The Superintendent or his/her designee shall be the person responsible for hiring, firing, disciplining, suspending, and any other action related to the employment of said classified employee whose conduct creates an imminent threat to students or staff, has violated school board policy, or where suspension is necessary in order to complete an investigation

involving that employee where staff and students may be interviewed, subject to right to of grievance set forth in Idaho Code 33-517. The Board reserves the right to review and change the decision of the superintendent if the Board disagrees with the resolution of any employment issue. (Idaho Code 33-513)

The MHSD Board of Trustees will carry out their duties in accordance with Idaho Code 33-506, 33-508, 33-509, 33-510, 33-511, 33-512, and 33-514 as described in procedure.

Legal Reference: Idaho Code 33-501, 33-506, 33-510, 33-511, 33-512, 33-514, 33-517, 33-701, 33-801, 67-2341, and 67-2343

ADOPTED: February 20, 2007
Revised:

3. Board Meeting Regulations. Mr. Gilbert presented the first reading of the proposed revisions to Mountain Home School District No. 193 policy Board Meeting Regulations. This was originally presented to the Board as reviewed with no recommended changes, but the Board directed the policy be revised to include then new Idaho Code language regarding the agenda of the school board's regularly scheduled board meetings, addendums to the agenda, and add the district also posts the agenda on the school district website. There has been no staff or patron input. Trustee Rodney motioned to approve the first reading of the revision of Board Meeting Regulations, as presented by Mr. Gilbert. Trustee Murray seconded the motion. Motion granted.

MOUNTAIN HOME SCHOOL DISTRICT NO. 193
MOUNTAIN HOME, IDAHO 83647
P O L I C Y
BOARD MEETING REGULATIONS

The Board of Trustees of Mountain Home School District No. 193, being a governing body subject to public scrutiny and the provisions of the Idaho Open Public Meetings Act, and being desirous of establishing policies regarding the conduct of meetings of this Board, which policies will protect and ensure the public interest, and the rights of the public to observe the deliberation and decision making process of this Board, while maintaining order consistent with the efficient handling of the business of this Board, and being further desirous of fulfilling its obligation to create and maintain an accurate and official record of the proceedings of this Board, the Board of Trustees of Mountain Home School District No. 193 hereby promulgate:

1. Public Attendance Policy

- a. Open Meetings. Members of the public may attend all "open" sessions of this Board, which sessions shall be defined as all meetings other than those meetings, or parts thereof, which may be or which are required to be held in "executive" sessions by the laws of the state of Idaho, Idaho Code 67-2341, 67-2342, and 67-2345.

Attendance at said open meetings by members of the public is subject to observance and compliance with the rules of conduct set forth herein.

- b. Closed Sessions. Members of the public shall not be allowed to attend "executive" sessions of this Board unless invited by the Board, Idaho Code 67-2341, 67-2342, and 67-2345.
- c. Participation via telecommunications devices. Any board meeting may be conducted using telecommunications devices, which enable all participating board members to communicate with each other; provided, however, that at least one (1) board member, or the superintendent, must be physically present at the location designated in the meeting notice, to ensure that the public may attend such meeting in person. Such telecommunication devices may include, but are not limited to, telephone or video conferencing devices and similar communications equipment. All communications must be audible to the public attending the meeting in person and all participating Board members. Any Board member participating via telecommunications device shall be deemed to be present in person at the meeting.

2. Rules of Order

For maintenance of order necessary to the efficient conduct of the business of this Board, members of the public, trustees, and officials of the district shall be subject to the following rules of order:

- a. Ultimate Control. The chairperson of this Board shall preside over all meetings in accordance with the rules of procedure adopted by the Board and all final rulings on points of order and procedure shall be made by the chairperson. Except where otherwise specified, the proceedings of the Board shall be governed by Robert's Rules of Order.
- b. Conduct in General. All persons in attendance at a meeting of the Board will speak only upon recognition and granting of leave by the chairperson and all persons will refrain from making or causing to be made any loud, raucous, abusive, or profane language or gestures.

No person attending said meetings shall have in their possession or subject to their control any devices of distraction, which would make noise, create bright or flashing light, and/or any banners, place cards, or signs.

No person in attendance of said meetings of the Board shall have any substance or article within their possession or subject to their control, which would constitute a menace or which would endanger the safety or well-being of those in attendance.

No person in attendance at said meetings of the Board shall smoke.

3. Public's Right to Address the Board

The Board of Trustees being interested in receiving input from the public consistent with the efficient processing of business of the Board will allow and/or restrict public comment at Board meetings as follows:

- a. When public input is to be received, members of public wishing to address the Board must be recognized by the chairperson. Said person should state his/her name. Length of comments shall be controlled by the chairperson.

4. Board Agenda

Items of business may be suggested by Board members, Clerk, administration, or patrons of the District for inclusion on the agenda. Business items suggested by patrons or the District should be submitted in writing and received in the office of the superintendent of schools **or Clerk of the Board of Trustees the Tuesday before the regular board meeting or** at least **six (6) ~~five (5)~~ business/working days** before the meeting in order to ensure inclusion on the written agenda and must be directly related to the district. Comments at special meetings must be related to the business of the meeting.

- a. **The Clerk of the board will prepare and post an agenda notice forty-eight (48) hours in advance of each regular meeting. The Board may amend the agenda, provided that a good faith effort is made to include in the original agenda notice all items known to be probable items of discussion. The agenda may be amended in the following manner:**
 1. **If the agenda is amended after it has been posted but there exists forty-eight (48) hours or more prior to the start of the meeting, the agenda may be amended by posting a new agenda.**
 2. **If an amendment to the agenda is proposed less than forty-eight (48) hours prior to a regular meeting but prior to the start of the meeting, the Clerk will post the proposed amended agenda, but it will not become effective until a motion is made at the meeting and the Board votes to amend the agenda.**
 3. **The Board may amend the agenda after the start of the meeting upon a motion that states the reason for the amendment and the good faith reason the agenda item was not included in the posted agenda.**

- b. Items of business may not be suggested from the floor for discussion and/or action at that same meeting except at the discretion of the chairperson or a majority of the Board members present.
 - 1. The Board will not hear complaints against personnel or any students in a public board meeting.
 - 2. All statements shall be directed to the chairperson; no member of the public may address or question board members individually.
- c. Copies of the agenda should be given to the Board members three (3) working days before the regular meetings and made available at the District Office, **posted at the entrance of the district office, and posted on the school district website to the news media and other** as determined by the Board before the regular meeting.
- d. Because of the need to efficiently conduct its business with the available time to deal with situations where unexpected issues arise and/or where the Board needs to address issues not on the agenda, the agenda may be modified before or at the meeting.
- e. The agenda format shall be:
 - 1. Call to Order
 - 2. Approve minutes of previous meeting(s)
 - 3. Financial Reports
 - 4. Consideration of Bills
 - 5. Delegation
 - 6. Public Input
 - 7. Reports
 - 8. Unfinished Business
 - 9. New Business
 - 10. Executive Session
 - 11. Adjournment

Upon consent of a majority of members present, the regular order of business at any meeting may be suspended.

Legal Reference: Idaho code Sections 33-510, 33-514, 33-515, 67-2340, 67-2341, and 67-2343 *et seq.*

ADOPTED: February 2, 1998

Revised: January 25, 2005

Revised:

- B. POLICY REVIEW** – No Changes – James Gilbert. Mr. Gilbert reported that the Policy Committee reviewed the Evaluation of Certified Employees, Informal Review, Nondiscrimination, and Physical Restraint of Students and determined that no changes needed to be made. Trustee Rodney motioned to approve the policy review of the Evaluation of Certified Employees, Informal Review, Nondiscrimination, and Physical Restraint of Students with no changes, as presented by Mr. Gilbert. Trustee Reynolds seconded the motion. Motion carried.

- 1. Evaluation of Certified Employees
- 2. Informal Review
- 3. Nondiscrimination
- 4. Physical Restraint of Students

- C. FLU-DAYS ADA ATTENDANCE CALCULATIONS** – Cliff Ogborn. Mr. Ogborn requested permission to recalculate the attendance days at the beginning of the school year that had high absenteeism due to the H1N1 and Seasonal Flu virus epidemic. This will help improve the district's ADA. Idaho Code provides for schools boards adjust attendance for ADA for weather emergencies and other emergencies, epidemics, etc. Mr. Ogborn would like to exclude the following weeks from

ADA calculation due to flu conditions: East – week of 31 August, North – week of 14 September, West – week of 28 September, HMS – week of 28 September, MHJH – week of 14 September, and MHHS – week of 14 September. Base Primary wasn't affected because their worst day of absenteeism was a "down day" for the airbase. He stated he didn't know how much this would help our support units and revenue, because we're funded at a frozen level for this current year. The SDE is requesting all Flu-Days ADA Attendance Recalculations no later than 11 December 2009. Trustee Murray asked what if any was the downside to this recalculation and what repercussions might occur should we need to recalculate again early spring. Mr. Ogborn replied he couldn't think of a downside and our funding comes from the reporting during Aug 24 – Nov 2. That is when our support units are calculated and those numbers determine what the state pays the district for salaries and benefits. Historically, the best numbers are reported at the beginning of the school year. Trustee Rodney motioned to approve the Flu day ADA recalculation for the six weeks listed by Mr. Ogborn, East – week of 31 August, North – week of 14 September, West – week of 28 September, HMS – week of 28 September, MHJH – week of 14 September, and MHHS – week of 14 September, as presented by Mr. Ogborn, with a second from Trustee Murray. Motion carried.

- D. PERSONNEL** – James Gilbert. Mr. Gilbert requested approval of the personnel items. Trustee Rodney motioned to approve the personnel items and addendum, as presented by Mr. Gilbert, with a second from Trustee Reynolds. Motion carried.

APPOINTMENTS

Hutchings, Tyrone E., 7th Grade A Boys Basketball Coach, MHJH
Longhurst, Gina F., Office Assistant/Special Education Paraeducator, MHHS

RESIGNATIONS

Clark, Kyle B., Cook I, West Elementary, Effective 09/11/09

- X. EXECUTIVE SESSION** –Student Matters. Chairman Alexander called for a motion for the purpose of allowing the Board to retire into executive session for student matters. After a full and complete discussion and upon motion duly made by Trustee Rodney and seconded by Trustee Reynolds, the following resolution was presented:

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

BE IT SO RESOLVED That the Board of Trustees of School District No. 193 recess from an open meeting into the following executive sessions pursuant to Section 67-2345, Idaho Code, in order to discuss student matters regarding a hearing for possible re-admission to MHSD as authorized by Section 67-2345(1)(b), Idaho Code.

BE IT FURTHER RESOLVED That following the executive session, the Board of Trustees will convene into public session for further business or adjournment of the meeting.

Vote being had on the above and foregoing resolution, and the same having been counted and found to be as follows:

NAME OF TRUSTEES

Chairman Alexander	Aye
Trustee House	Absent
Trustee Rodney	Aye
Trustee Reynolds	Aye
Trustee Murray	Aye

And no less than two-thirds (2/3) of the membership in favor thereof, the chairman had declared said resolution adopted, and the Board recessed into executive session at 7:48 p.m. Others present: The attending board

members, Superintendent McMurtrey, Assistant Superintendent Gilbert, Clerk Whitman, Connie Donahue, Cliff Ogborn, and (Name on File) and son.

Following a full and complete discussion of the student re-admittance, the Board reconvened into open session at 8:15 p.m. A motion by Trustee Reynolds to re-admit (Name on File) to Mountain Home School District received a second by Trustee Murray. Motion passed.

- XI. **ADJOURNMENT** – All business of the Board having been completed, Chairman Alexander called for a motion to adjourn. A motion from Trustee Reynolds to adjourn was seconded by Trustee Murray. Motion carried. Meeting adjourned at 8:20 p.m.

Chairman Alexander

Clerk Whitman