

INDEPENDENT SCHOOL DISTRICT 271
Bloomington, Minnesota

**MINUTES OF THE SPECIAL MEETING
OF THE SCHOOL BOARD
October 1, 2018**

Pursuant to due call and notice thereof, and there being a quorum present, the Special Meeting of the School Board of Independent School District 271 was called to order by Chair Dawn Steigauf at 8:00 p.m. on Monday, October 1, 2018, at the Educational Services Center, 1350 West 106th Street, Bloomington, Minnesota.

Roll Call

Members Present: Dawn Steigauf, Chair; Nelly Korman, Vice Chair; Maureen Bartolotta, Clerk; Dick Bergstrom, Treasurer; Beth Beebe, Tom Bennett and Jim Sorum. School Attorney Present: David Holman. Administration Present: Les Fujitake and Eric Melbye.

Establishment of Closed Session

Maureen Bartolotta moved, Nelly Korman seconded, to close the meeting pursuant to Minnesota Statute Section 13D.05, Subdivision 2(a)(1) to discuss data that would identify alleged victims or reporters of criminal sexual conduct and Subd. 2(a)(3) to discuss educational data related to the proposed expulsion of a student. Motion carried unanimously.

Special Meeting Resumed

Upon conclusion of the closed session, the special meeting resumed in open session.

Dick Bergstrom moved, Tom Bennett seconded, that the School Board of Independent School District 271 approves the following resolution relating to the proposed expulsion of the identified student:

1. The School Board finds that the Findings of Fact and Conclusions of the Hearing Officer are supported by substantial evidence on the record as presented at hearing. The Board bases its decision on those Findings.
2. The School Board finds that the Student engaged in conduct that constituted: (1) willful violation of reasonable School Board regulations that are clear and definite to provide notice to pupils that they must conform their conduct to the requirements of the regulations; and (2) willful conduct which significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities. The Hearing Officer found that the Student engaged in sexual activity on school property. He did not find that the evidence supported a finding that the Student engaged in "forcible sex" on school property.
3. District administrators testified that the District has not expelled other students who have engaged in "consensual" sexual activity on campus. It does not recommend expulsion for this Student as a result.
4. There is also currently a harassment restraining order prohibiting the student who made the accusation and the Student in this case from being in contact with each other. A behavior plan shall be developed by administration.

5. The School Board does not adopt the Hearing Officer's recommendation for expulsion because the evidence did not support that "forcible sex" occurred between the two students.
6. The School Board directs that the Student not be expelled and be allowed to return to Bloomington Kennedy High School on October 2, 2018. Administration will have a safety/behavior plan in place in an effort to prevent the two students from having contact while at school to the best of its ability.
7. The District's legal counsel is directed to provide written notice of this determination to the Student and the Student's Parent.
8. The District upon request may provide copies of this resolution. However, any release of the resolution shall not include the documents supporting the prior disciplinary action taken against the Student as the School Board hereby finds that such materials constitute private data on individuals pursuant to the Minnesota Government Data Practices Act, (Minn. Stat. § 13.32.) The Superintendent, or his designee, is specifically directed to maintain the private data classification of these materials in accordance with all applicable state and federal law, including the provisions of Minnesota Statutes Chapter 13.

On roll call vote all School Board members voted aye. Motion carried unanimously.

There being no further business to come before the School Board, the special meeting was adjourned at 8:40 p.m.

Maureen Bartolotta, Clerk