

**SALINE AREA SCHOOLS  
SPECIAL MEETING OF THE BOARD OF EDUCATION**

**STUDENT DISCIPLINE HEARING  
MINUTES**

**Monday, May 12, 2008  
7:00 PM**

1. **CALL TO ORDER** – of the Special Board of Education Meeting by Board President Lisa Slawson at 7:00 PM.

Board Members Present: Trudy Driscoll, David Friese, Paul Hynek, Bari Livsey, David Medley, Lisa Slawson, and Kim Van Hoek

Administrators Present: Brad Bezeau and Ben Williams

2. **PLEDGE OF ALLEGIANCE**

3. **APPOINTMENT OF HEARING OFFICER**

**MOTION** made by David Friese, seconded by Bari Livsey to appoint Ray Davis of the Thrun Law Firm, P.C., to serve as Hearing Officer and to make evidentiary and procedural determinations on behalf of the Board of Education for the student expulsion matter before the Board on Monday, May 12, 2008.

Ayes – All Present – **MOTION CARRIED**

Mr. Davis explained his role in the student discipline hearing and went over the procedures to be followed. He indicated that he is not the decision maker. The decision rests solely with the members of the Board of Education.

Mr. Davis told the parents that they could request to have the hearing held in closed session, however, Student X's father indicated that he would prefer to hold the hearing in open session. He stated that if just one student could learn from Student X's mistake – it would be well worth it.

Mr. Davis then asked Student X's family if they had received a letter dated May 7th informing them of the meeting tonight and they indicated yes. He then took a roll call vote of the Board members asking them if they were able to make a fair and impartial decision based on the evidence presented tonight.

**ROLL CALL VOTE**

Trudy Driscoll – Yes  
David Friese - Yes

Paul Hynek – Yes  
Bari Livsey – Yes  
David Medley – Yes  
Lisa Slawson – Yes  
Kim Van Hoek – Yes

Mr. Brad Bezeau, Assistant Principal at the High School, began the hearing by reading his incident report and asking that it be submitted as evidence. Student X and his parents received a copy of this report and had no objections to it being entered. Mr. Bezeau also stated for the record that Student X was very cooperative and honest during the search and did not do anything misleading.

Mr. Ben Williams, High School Principal, read Mr. Eric Diroff's statement since he could not be in attendance and asked that it be submitted into evidence. He then asked that the attendance, transcript, and discipline records be submitted as evidence. At this time a five-minute recess was taken to allow the family time to review these documents. Meeting reconvened at 7:18 PM.

Student X's mother strongly objected to these documents being entered in as evidence because she felt that it was not a fair representation of where he stands in school. She indicated that there were no absences that were unexcused and it appears much worse than what it truly is. Student X's father felt that the grades were immaterial.

Mr. Davis asked Mr. Williams why he would like these documents submitted into evidence and he indicated that the Board has always asked for this information in the past. Mr. Davis admitted the documents into evidence but cautioned the Board not to infer that these acts were done based on grades or discipline.

Mr. Williams then submitted color photos of the contraband along with a color photo of what is being classified as a dangerous weapon. Mr. Williams then read his incident report outlining the four exceptions to mandatory expulsion for a dangerous weapon and all were admitted into evidence.

Student X's mother objected to Mr. Williams's statement regarding marijuana. Student X was not being charged for marijuana. The bong that was in his car was used for smoking tobacco. She feels that the terminology in his report was incorrect and should have said a tobacco hookah not a marijuana bong. Mr. Williams indicated that the police did find marijuana residue on the metal tray around the pipe.

Student X's father indicated that the police did not find marijuana in the car and that his son was not charged with possession of marijuana. He felt that it was erroneous to say that he was in violation in a drug free zone when he was not charged with possession. Mr. Davis allowed the statement but let the Board determine whether marijuana remnants were or were not found in the car.

Student X's father then asked Mr. Williams if he had any evidence that Student X intended to use the knife as a weapon and Mr. Williams indicated that he did not. He then asked if he had any evidence of the intent of the student with regard to the knife.

Mr. Williams stated that he has no idea of how long the knife was in the car and has no knowledge of the intent, although he doesn't believe that Student X was going to use it as a weapon.

Student X's father then indicated that he felt partially responsible for the knife being in the car. He bought the knife at Cabela's and gave it to his son who was keeping it at his mother's house. His mother indicated that she did not want the knife in the house because there were other small children in the house. Student X's father then told him to bring the knife to his house and he could store it there. Student X put the knife in the car and then forgot that it was there.

Mr. Bezeau testified that the Pittsfield Police Department indicated that there was a wooden container containing herbal smoking products but that there was marijuana residue on the metal tray. He indicated that the Police Department doesn't press charges based on residue. They did not do a field test at the site.

Mr. Davis questioned the Administration what their recommendation would be if the knife were taken out of the equation. Mr. Graden stated that if the knife was out of the equation the Administration would recommend suspension for the rest of the school year, they would proctor his exams offsite, he must not be on school property for the remainder of the school year, and he would not be allowed to walk at graduation.

Student X's father passed out a letter to the Board of Education and they took a moment to review. He asked that it be submitted into evidence. He spoke about how Student X made a horrible mistake; his behavior has disappointed many people including his father. They have had many discussions about the evils of drinking and driving. He indicated that the biggest reason we are here is because of the knife. He indicated that it was not his son's motivation to put it in his car – it was because his father had directed him to do it. As indicated previously, his mother didn't want the knife in her house and Student X put it in the car to take it to his father's house and then subsequently forgot about it.

He indicated that the principals have been very fair throughout the process and he understands that they have a job to do. He understands that the Board needs to be concerned about the environment of school, safety of all students, and hopefully maybe someone will learn a something good from this situation. He indicated that the world has changed since he was a child.

Mr. Davis stated that the world has changed and the reason for that change is because of what happened in Columbine. After Columbine the Michigan Legislature enacted a dangerous weapon law, which takes the punishment out of the Administration and School Boards hands unless one of the four exemptions is proven. Student X's father feels that his son could be in three of the four exemptions and that Student X did not know that the length of the weapon made a difference.

Student X testified that he made a mistake and he was really sorry for it. Out of all the punishment he has received he indicated that the worst was letting all of the other people

down. He didn't get to escort his girlfriend to her senior prom; he felt that her let down Mr. Lampman and the entire band program, not to mention his friends and family.

His father asked him to put the knife in the car. He uses the knife for whittling and opening letters and completely forgot that it was in the car. He does smoke marijuana but he does not use the hookah pipe for it. To his knowledge no one else used his hookah pipe for smoking marijuana. He stated that his bought the alcohol to last all summer and it was not exclusively for prom. He purchased it with money he earned from his job at McDonald's.

He indicated that he purchased the alcohol at a store called Jimmy's in Ann Arbor. He had another person purchase it for him and indicated that they were not a Saline School student. He stated that all of the items found in the car were indeed his and that he has had marijuana in the car before. He was aware that the school was a drug free zone.

Student X spoke about a previous disciplinary referral issue, which included serving a detention for four tardies. He was unable to serve his detention due to a Cabaret Concert for Choir. He asked the teacher what he needed to do to reschedule and was told that the teacher would take care of it. He was then called down to the office to reschedule the date.

He stated that he put the items in his car because it has a bunch of compartments and it was a good place to store things. It has multiple compartments, which close it off and completely hide things. He didn't want his parents to find it.

Student X's father reiterated his part in the knife ending up in the car. Student X's mother also indicated that the knife is why they are all here today. He stated that they had talked about getting a locked box for it, but never did that.

She also indicated that her son is not a frustrated unhappy child. She feels instead of punishing him by expelling him, he should be held responsible for finishing his senior year. He needs to follow through and pass his courses.

Mr. Jeff Frumkin read a statement in support of Student X by his girlfriend's mother. He also spoke on Student X's behalf. He indicated that he appreciates the way the Administration handled this matter. He stated that in his job he is usually in the role of Mr. Williams and Mr. Bezeau.

Mr. Davis asked Mr. Frumkin what would happen in the real world if someone brought a weapon to work. He indicated that his company has a no tolerance policy and they would look for intent. He stated that it was possible that they could lose their job. He said that in the matter of the alcohol the standard is different because they would be looking for individuals who were intoxicated on the job as opposed to having alcohol in their vehicles.

Mrs. Mary Nehls-Frumkin spoke on Student X's behalf indicating that he was a good kid who made a horrendous mistake. He has learned from his mistake and she felt that it would be a disservice to him not to let him graduate.

Laurel Lavery, Student X's former Cub Scout leader, spoke about what a good child he is even though he made a very bad mistake.

Student X's father would like to see him get his diploma. He would like to see him be able to perform in his last concert and feels that if not allowed it is his fault because he told him to put the knife in the car.

Student X's mother said that Student X is so regretful and has really learned a lot from this mistake. The hardest thing he had to do was to call Mr. Lampman and ask him for help.

The Board held deliberations in open session.

Mr. Davis said that the evidence was clear that Student X was in possession of a weapon over three inches. State law mandates expulsion unless one of the four exemptions apply.

Board President Slawson believes that the parents have proven that Exception #1 applies. It was not brought on school property for use as a weapon. She felt that Student X was a very credible witness and was very remorseful and acknowledges the mistake he made. She said the sheer number of students who came out on a Monday to support him was a testimony to his character. She also noted that the Pittsfield Police were not pressing charges on marijuana.

Trustee Hynek agreed with Board President Slawson that Student X was very remorseful and that he made a huge mistake. He feels that the Board should accept the Administration's recommendation. He mentioned that walking at graduation is a privilege not a right and that students need to earn the right to participate.

Trustee Livsey spoke about the amount of contraband found in Student X's car. Trustee Friese concurred.

Board President Slawson spoke about the laws in the State of Michigan, which clearly states that the drinking age is 21. Not adhering to the law can lead to severe consequences. It can ruin your life. Think hard about the choices you make.

Trustee Medley stated that the volume of contraband found in Student X's car was enough to do a lot of damage.

#### **4. DECISION BY BOARD**

**MOTION** made by Bari Livsey, seconded by Trudy Driscoll to accept the recommendation of the Administration that Student X's suspension be extended through the end of the school year with his ability to take his exams offsite and not be allowed to walk in graduation. He is also not allowed on school property through the end of the school year.

## **ROLL CALL VOTE**

Trudy Driscoll – Aye  
David Friese – Aye  
Paul Hynek – Aye  
Bari Livsey – Aye  
David Medley – Aye  
Lisa Slawson – Aye  
Kim Van Hoek – Aye

Ayes – All Present - **MOTION CARRIED**

## **5. PUBLIC COMMENT**

Brendon Nehls-Frumkin addressed the Board and requested that they make a special consideration for allowing Student X to sing at his last concert. They have been rehearsing a special song commemorating their favorite game, Pokemon, and they don't feel that they can perform it without him.

Board President Slawson applauded Mr. Nehls-Frumkin for being such a good friend. She knew that it took a great deal of courage to stand up and speak. However, the Board has made its decision and it stands.

## **6. CLOSED SESSION**

**MOTION** made by Bari Livsey, seconded by Kim Van Hoek to enter Closed Session of the Board of Education at 9:00 PM, with the intent to re-enter Open Session at 9:45 PM, for the purpose of discussing collective negotiations.

## **ROLL CALL VOTE**

Trudy Driscoll – Aye  
David Friese – Aye  
Paul Hynek – Aye  
Bari Livsey – Aye  
David Medley – Aye  
Lisa Slawson – Aye  
Kim Van Hoek – Aye

Ayes – All Present – **MOTION CARRIED**

## **7. RETURN TO OPEN SESSION**

The Board returned to open session at 11:45 PM.

**8. ADJOURNMENT**

**MOTION** made by Kim Van Hoek, seconded by Trudy Driscoll to adjourn the Special Meeting of Monday, May 12, 2008, at 11:45 PM.

Ayes – All Present – **MOTION CARRIED**

Respectfully submitted,

Paul Hynek, Secretary

By: Patti Waltz, Recording Secretary