



*Special  
Board Meeting  
Board Room*

*February 19, 2024  
6:30 p.m.*



Fruitport Community Schools  
**SPECIAL BOARD MEETING**  
Monday, February 19, 2024 – 6:30 p.m.

**Location:**

Fruitport Community Schools Central Office  
Board of Education Meeting Room  
3255 E. Pontaluna Rd.  
Fruitport, MI 49415

**AGENDA**

- I. CALL to ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. REMARKS FROM THE PUBLIC\***
- V. GENERAL BOARD BUSINESS**
  - A. Organizational Meeting Minutes - January 15, 2024
  - B. Regular Meeting Minutes - January 15, 2024
  - C. Student Disciplinary Hearing
  - D. Other
- VI. ADJOURNMENT**

\*Time is provided for members of the audience to address the Board of Education regarding any topic including items on the agenda. The board is providing one opportunity for the public to comment during the meeting. Members of the audience may wish to bring issues to the Board of Education for board consideration. Time limits may be placed if a large number of individuals would like to address the board.



Fruitport Community Schools  
**ANNUAL ORGANIZATIONAL BOARD MEETING**  
**MINUTES**

Monday, January 15, 2024 – 7:00 p.m.

**Meeting Location:**

Fruitport Community Schools Central Office  
Board of Education Meeting Room  
3255 E. Pontaluna Rd.  
Fruitport, MI 49415

- I. **CALL TO ORDER:** Per Board Policy 2506, Jason Kennedy, Superintendent, called the January 15, 2024 Annual Organizational Meeting to order at 7:00 p.m.
- II. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited by those in attendance.
- III. **ROLL CALL:** Present – Elroy Buckner, Kris Cole, Susan Franklin, Dave Hazekamp, and JB Meeuwenberg. Absent - Tim Burgess, Steve Kelly.

*Steve Kelly arrived at 7:03 p.m.*

IV. **APPROVAL OF AGENDA**

Item 24-1. MOTION by Buckner, SECOND by Franklin to approve the agenda, as presented.

MOTION CARRIED: 6-0; 1 absent

V. **REMARKS FROM THE PUBLIC:** None

VI. **ELECTION OF OFFICERS**

● **President:**

Item 24-2. MOTION by Buckner, SECOND by Franklin to nominate Dave Hazekamp for President. No other nominations were brought forth.

MOTION by Franklin, SECOND by Buckner to close nominations and cast a ballot for Dave Hazekamp for President.

Roll call vote: Buckner - Yes; Cole - Yes; Franklin - Yes; Hazekamp - Yes; Kelly - Yes; Meeuwenberg - Yes; Absent - Burgess

MOTION CARRIED: 6-0; 1 absent

Superintendent Kennedy passed the gavel to President Hazekamp.

- **Vice President:**

Item 24-3. MOTION by Franklin, SECOND by Buckner to nominate Kris Cole for Vice President. No other nominations were brought forth.

MOTION by Buckner, SECOND by Franklin to close nominations and cast a ballot for Kris Cole for Vice President.

Roll call vote: Buckner - Yes; Cole - Yes; Franklin - Yes; Hazekamp - Yes; Kelly - Yes; Meeuwenberg - Yes; Absent - Burgess

MOTION CARRIED: 6-0; 1 absent

- **Secretary:**

Item 24-4. MOTION by Meeuwenberg, SECOND by Cole to nominate Susan Franklin for Secretary. No other nominations were brought forth.

MOTION by Buckner, SECOND by Cole to close nominations and cast a ballot for Susan Franklin for Secretary.

Roll call vote: Buckner - Yes; Cole - Yes; Franklin - Yes; Hazekamp - Yes; Kelly - Yes; Meeuwenberg - Yes; Absent - Burgess

MOTION CARRIED: 6-0; 1 absent

- **Treasurer:**

Item 24-5. MOTION by Cole, SECOND by Franklin to nominate Elroy Buckner for Treasurer. No other nominations were brought forth.

MOTION by Cole, SECOND by Kelly to close nominations and cast a ballot for Elroy Buckner for Treasurer.

Roll call vote: Buckner - Yes; Cole - Yes; Franklin - Yes; Hazekamp - Yes; Kelly - Yes; Meeuwenberg - Yes; Absent - Burgess

MOTION CARRIED: 6-0; 1 absent

**VII. DESIGNATE A DISTRICT EMPLOYEE AUTHORIZED TO POST BOARD MEETING NOTICES UNDER THE OPEN MEETINGS ACT**

Item 24-6. MOTION by Cole, SECOND by Franklin to authorize Danielle Vandermuelen and Jason Kennedy as the designated employees authorized to post Board of Education meeting notices, per the Open Meetings Act.

MOTION CARRIED: 6-0; 1 absent

**VIII. REMARKS FROM THE PUBLIC: None**

**IX. ADJOURNMENT**

Item 24-7. MOTION by Buckner, SECOND by Franklin to adjourn.

MOTION CARRIED: 6-0; 1 absent. The meeting adjourned at 7:09 p.m.

Respectfully submitted,

Susan Franklin, Board Secretary

Danielle VanderMeulen, Recording Secretary



Fruitport Community Schools  
**REGULAR BOARD MEETING MINUTES**  
Monday, January 15, 2024 – 7:00 p.m.

**Meeting Location:**

Fruitport Community Schools Central Office  
Board of Education Meeting Room  
3255 E. Pontaluna Rd.  
Fruitport, MI 49415

- I. **CALL TO ORDER:** The Regular meeting of the Board of Education was called to order at 7:10 p.m. by Board President, Dave Hazekamp.
- II. **ROLL CALL:** Present – Elroy Buckner, Kris Cole, Susan Franklin, Dave Hazekamp, Steve Kelly, and JB Meeuwenberg; Absent - Tim Burgess.
- III. **APPROVAL OF AGENDA**  
  
Item 24-8. MOTION by Cole, SECOND by Franklin to approve the agenda, as presented.  
  
MOTION CARRIED: 6-0; 1 absent.
- IV. **PRESENTATIONS:**
  - a. School Board Recognition Month: Each Board member was provided with a certificate of recognition from the Michigan Association of School Boards, and a special dessert was prepared and served to Board members from staff member Pam Gustafson. Board members received some Fruitport gear, and discussion pertaining to the annual framed art recognition was discussed. This was done in recognition of School Board Member Appreciation Month.
  - b. 2023-2024 General Fund/School Service Fund Budget Amendment: Mark Mesbergen presented a mid-year budget amendment for the General Fund and the School Service Fund to the Board of Education for their consideration.

## V. COMMUNICATIONS:

- **OK Conference Communication - Dated: December 21, 2023**

The Board reviewed a communication from the OK Conference that was received by the District on December 21, 2023. This communication denied a petition by Caledonia Schools seeking to vacate the recent realignment of the OK Conference.

- **Thrun Law Firm Communication: New Attorney Contact**

The Board reviewed a communication from Thrun Law Firm regarding a new attorney contact that the District will be working with at the Firm. The shareholder that the District has worked with is moving to “Of Counsel” status, so the District will be working with another shareholder within the firm, effective January 1, 2024.

## VI. SUPERINTENDENT/ADMINISTRATIVE REPORTS:

- **Review of Muskegon County School Report Card Data:** The Superintendent reviewed recently released school report cards for each of the District schools in comparison to schools across Muskegon County with the Board. A spreadsheet was provided to the Committee that included grades, Reward School status, graduation rates, attendance rates, and peer comparison data.
- **Alternative and Adult Education Graduation Requirements:** The Superintendent reviewed a proposal from the Instructional Council with the Board to consider reducing the number of credits required for graduation from the Alternative and Adult Education programs from 22 credits to the State mandated 18 credit minimum requirement. All core course credits will still be required and a formal proposal will be forthcoming to the Board for consideration.
- **Strategic Plan Draft Review:** An updated draft of the strategic plan was reviewed with the Board. This will be further reviewed by the Board at the February 2024 Board meeting and considered for approval then.
- **National AASA Conference on Education - San Diego, CA:** The Superintendent shared that he will be attending the AASA National Conference on Education in San Diego, CA in February. The Superintendent is an Executive Board Member of the Michigan Associations of Superintendents and Administrators (MASA). Airfare, hotel costs, and meals will be covered by MASA.

## **VII. REMARKS FROM THE PUBLIC:**

- Pam Gustafson was in attendance at the meeting and shared a special thank you with the Board of Education for their service to students, staff, and the community. Pam made a special homemade dessert for the Board in recognition of School Board Recognition Month. Pam also shared that she believes the Chromebook situation that she spoke with the Board on months ago has not gotten better at the middle school. Some staff members want to see Chromebook carts added back to the classrooms, while others do not. Pam personally believes that the middle school students are not responsible enough to care for the Chromebooks when they take them home, and that Chromebooks should stay at school for middle school students.

## **VIII. CONSENT AGENDA**

Item 24-9. MOTION by Buckner, SECOND by Franklin to approve the Consent Agenda as listed below:

1. Approval of Bill Listing in the amount of \$358,623.02
2. Acceptance of Monthly Financial, Bond, and Capital Projects Report
3. Acceptance of Student Activity Summary Report
4. Acceptance of Credit Card and Utilities Report
5. Approval of Transfers and ACH Transactions Report
6. Approval of Personnel Report (includes confirmation of new hires, resignations, retirees, and transfers)
7. Approval of Special Meeting Minutes - December 18, 2023 (Two (2) separate meetings with one (1) at 5:30 p.m. and one (1) at 6:00 p.m.)

MOTION CARRIED: 6-0; 1 absent.

## **IX. GENERAL BOARD BUSINESS: None**

## **X. BUSINESS AND FINANCE COMMITTEE REPORTS & RECOMMENDATIONS**

### **1. Report of committee meeting held on January 8, 2024**

Elroy Buckner reported on a Business and Finance Committee meeting held on January 8, 2024 at 6:00 p.m. Elroy Buckner, Kris Cole, Mark Mesbergen, Jessica Wiseman, and Jason Kennedy were present. The Committee discussed the Superintendent's Evaluation Process, the upcoming collective bargaining process, including the negotiation of the 2024-2025 school calendar, and Mark presented the budget amendments for all of the funds to the Committee. The meeting was adjourned at 6:34 p.m.

## **2. 2023-2024 General Fund Budget Amendment**

Item 24-10. MOTION by Buckner, SECOND by Cole to approve the 2023-2024 General Fund Budget Amendment, as discussed.

ROLL CALL VOTE: Buckner - yes, Burgess - absent, Cole - yes, Franklin - yes, Hazekamp - yes, Kelly - yes, Meeuwenberg - yes.

MOTION CARRIED: 6-0; 1 absent.

## **3. 2023-2024 School Service Fund Budget Amendment**

Item 24-11. MOTION by Buckner, SECOND by Cole to approve the 2023-2024 School Service Fund Budget Amendment, as discussed.

ROLL CALL VOTE: Buckner - yes, Burgess - absent, Cole - yes, Franklin - yes, Hazekamp - yes, Kelly - yes, Meeuwenberg - yes.

MOTION CARRIED: 6-0; 1 absent.

# **XI. PERSONNEL COMMITTEE REPORTS & RECOMMENDATIONS:**

## **1. Report of committee meeting held on January 8, 2024**

Steve Kelly reported on a Personnel Committee meeting held on January 8, 2024 at 5:00 p.m. Dave Hazekamp, Steve Kelly, JB Meeuwenberg, and Jason Kennedy were present. The Committee discussed the Personnel Report for January 2024. The Committee also reviewed the Superintendent's Evaluation Process. The Committee reviewed an update on the Office for Retirement Services communication received by Districts, and discussed an update on the negotiations process, including a discussion on the calendar negotiations process. The meeting was adjourned at 5:29 p.m.

# **XII. STUDENT AFFAIRS COMMITTEE REPORTS & RECOMMENDATIONS**

## **1. Report of committee meeting held on January 8, 2024**

Susan Franklin reported on a Student Affairs Committee meeting held on January 8, 2024 at 5:34 p.m. Susan Franklin, Dave Hazekamp, and Jason Kennedy were present. The Committee reviewed a second reading of the Thrun Law Firm Personnel Policy Updates to bring current policies into compliance with new legislative changes to the Michigan Public Employment Relations Act (PERA), the State School Aid Act, the Revised School Code, and the Teachers' Tenure

Act. The Committee reviewed recently released school report cards for each of the District schools in comparison to schools across Muskegon County, and it discussed an updated draft of the strategic plan, the Superintendent's evaluation process, and a proposal from the Instructional Council to consider reducing the number of credits required for graduation from the Alternative and Adult Education programs from 22 credits to the State mandated 18 credit minimum requirement. The Committee also reviewed an update on the negotiations process and sample calendars. The Committee also discussed a desire to see the addition of a drama class and/or club added to offerings for students at the middle school and high school levels to support the addition of the new Performing Arts Center and great work that is already happening in this department to continue. The meeting was adjourned at 5:56 p.m.

**2. Thrun Law Firm Professional Staff Board Policy Updates - Second reading**

Item 24-12. MOTION by Franklin, SECOND by Buckner to approve the second reading of the following Thrun Law Firm Professional Staff Board Policy updates, as discussed.

MOTION CARRIED: 6-0; 1 absent.

- a. 4108 - Union Activity and Representation
- b. 4207 - Third Party Contracting
- c. 4402 - Placement
- d. 4403 - Performance Evaluation
- e. 4404 - Performance Based Compensation
- f. 4405 - Reduction in Force and Recall
- g. 4407 - Discipline
- h. 4408 - Termination
- i. 4409 - Non-Renewal
- j. 4503 - Performance Evaluation
- k. 4504 - Performance Based Compensation

**3. Overnight Trip Request - DECA State Competition - Detroit, MI**

Item 24-13. MOTION by Franklin, SECOND by Buckner to approve the overnight trip request from Danielle Hershey for high school students to participate in the DECA State Competition at the Huntington Place in Detroit, as discussed.

MOTION CARRIED: 6-0; 1 absent.

**4. Overnight Trip Request - Golf Team Spring Break Trip: Robert Trent Jones Golf Trail (Birmingham, AL)**

Item 24-14. MOTION by Franklin, SECOND by Buckner to approve the overnight trip request from Aaron Gregory for student athletes on the golf team to participate in the spring break golf trip to Birmingham, AL, as discussed.

MOTION CARRIED: 6-0; 1 absent.

**XIII. SUPERINTENDENT'S EVALUATION**

**1. Closed Session: Pursuant to MCL 15.268 Sec. 8(1)(a)**

Item 24-15. MOTION by Franklin, SECOND by Cole to enter into closed session at 7:55 p.m. pursuant to MCL 15.268 Sec. 8(1)(a) to consider a periodic personnel evaluation of the Superintendent for the year ending December 31, 2023, as a public officer of the District, and as requested in writing by the Superintendent.

ROLL CALL VOTE: Buckner - yes, Burgess - absent, Cole - yes, Franklin - yes, Hazekamp - yes, Kelly - yes, Meeuwenberg - yes.

MOTION CARRIED: 6-0; 1 absent.

**2. Return to Open Session**

Item 24-16. MOTION by Franklin, SECOND by Cole to return to open session at 8:40 p.m.

MOTION CARRIED: 6-0; 1 absent

**3. Superintendent's Evaluation**

Item 24-17. MOTION by Cole, SECOND by Kelly to approve the Board's evaluation of Superintendent Jason Kennedy, and assign an effectiveness rating of highly effective, for the calendar year ending December 31, 2023.

MOTION CARRIED: 6-0; 1 absent

**XIV. BOARD MEMBER REPORTS AND DISCUSSIONS:**

Kris Cole shared that the middle school robotics team is working with Trinity Health Arena to potentially host a robotics competition there. Kris shared that the Green Team's robot was ranked in 2nd place for design of the robot, and that the team was interviewed,

honored, and recognized by First Updates Now (FUN). The team did a great job with the interview, and both middle school teams had a great robotics season this year.

Steve Kelly shared that the winter drumline is currently underway and preparing for their 2024 percussion season. The team expects to make a top 5 finish this year, and has been working hard. Nick Lootens will be able to provide a copy of this year's schedule.

Dave Hazekamp shared the hard working ethic of a District family and how he handled a situation that he was recently faced with in a positive way.

**XV. AGENDA ITEMS for FUTURE MEETINGS & SCHEDULING OF ANY SPECIAL MEETINGS**

1. The Business and Finance Committee will meet on February 12, 2024 at 6:00 p.m.
2. The Personnel Committee will meet on February 12, 2024 at 5:00 p.m.
3. The Student Affairs Committee will meet on February 12, 2024 at 5:30 p.m.
4. The Board of Education will meet on February 19, 2024 at 7:00 p.m.

**XVI. REMARKS FROM THE PUBLIC: None**

**XVII. ADJOURNMENT**

Item 24-18. MOTION by Buckner, SECOND by Franklin to adjourn.

MOTION CARRIED: 6-0; 1 absent.

The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Susan Franklin, Board Secretary

Danielle VanderMeulen, Recording Secretary

**BOARD ACTION REQUEST FORM**

**Meeting Date:** February 19, 2024

To: Board of Education

Attachments #1

From: Jason Kennedy

**Subject to be Discussed and Policy Reference:** Student Disciplinary Hearing – Student: 1635007620

**Background Information:** See attached information

**Financial Impact:**

**Recommended Action:**

Approval of the recommendation to permanently expel student 1635007620 from Fruitport Community Schools. The student shall be expelled for a minimum of 180 school days, but may apply for reinstatement to the Board of Education after 150 school days. The student shall meet all conditions of reinstatement at the time of application for reinstatement. The student will remain permanently expelled from Fruitport Community Schools until such time as the Board of Education reinstates the student.

**Action Taken:**

**Vote:** \_\_\_ Buckner      \_\_\_ Burgess      \_\_\_ Cole      \_\_\_ Franklin      \_\_\_ Hazekamp  
         \_\_\_ Kelly      \_\_\_ Meeuwenberg

**Series 5000: Students, Curriculum, and Academic Matters**

**5200 Student Conduct and Discipline**

**5206-F-12 Board Resolution: Other Offenses**

**FRUITPORT COMMUNITY SCHOOLS  
BOARD RESOLUTION FOR STUDENT DISCIPLINE**

A special meeting of the Board of Education (the "Board") was held in the Board of Education Room at 3255 E. Pontaluna Rd., Fruitport, MI 49444, within the boundaries of the District, on the 19<sup>th</sup> day of February, 2024, at 6:30 o'clock in the p.m. (the "Meeting").

The Meeting was called to order by Dave Hazekamp, President

Present:

Absent:

The following preamble and resolution were offered by \_\_\_\_\_ and supported by \_\_\_\_\_:

**WHEREAS:**

1. The administration has recommended that, pursuant to Board of Education Policy, and the Student Code of Conduct, a student whose identity is known to the Board (the "Student") be expelled for making a threat to commit an act of violence against a school employee and students, as well as for sexual exposure of the student's genitals toward students of the opposite gender.

2. School administrators notified the Student's parent/guardian of the specific charge underlying the disciplinary recommendation, as well as the date, time, and place of the disciplinary hearing.

3. Pursuant to the request of the Student's parent/guardian, and as authorized by Michigan Open Meetings Act Section 8(1)(b), MCL 15.268(1)(b), the disciplinary hearing was conducted in a(n) open/closed session meeting of the Board.

4. The hearing afforded the Student and the Student's representatives an opportunity to respond to the charge and to present pertinent evidence for the Board's consideration.

5. The Board has carefully considered all of the evidence produced in this student discipline hearing.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. A preponderance of the evidence established that the Student did commit an act of making a threat of violence against committed a school employee and students. A preponderance of the evidence also established that the Student did commit an act of

## 5206-F-12 Board Resolution: Other Offenses

sexual exposure toward other students on school property in violation of the Student Code of Conduct.

2. Based on careful consideration of all of the following factors, the Board determines that expulsion is warranted:

- The Student's age;
- The Student's disciplinary history;
- Whether the Student has a disability;
- The seriousness of the behavior;
- Whether the behavior posed a safety risk;
- Whether restorative practices are a better option; and
- Whether lesser interventions would address the behavior.

3. The Student is permanently expelled from the District.

4. During the time of the expulsion, the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

5. The Student may petition the Board for reinstatement no sooner than 150 school days from the date of expulsion. Before reinstatement, the Student must do all of the following:

- demonstrate successful participation in an appropriate counseling program approved by the Middle School Principal that includes both group and individual counseling;
- submit to the Middle School Principal competent and credible evidence from an appropriately licensed and credentialed professional that the Student does not pose a risk of harm to the Student or to others;
- establish that the Student has not engaged in conduct during the period of expulsion that may be viewed by the Board as detrimental to the Student's continued education at the District;
- complete to the satisfaction of the Board all recommendations contained in any psychological or counseling report;
- demonstrate to the satisfaction of the Board that the Student received educational instruction and cooperatively participated in an educational program during the period of expulsion;

6. Consistent with the Revised School Code, Board of Education policy, and the Student Code of Conduct, the Board finds that the interests of the District are served by this resolution.

**5206-F-12 Board Resolution: Other Offenses**

7. Consistent with the Board's actions taken this date, administration shall promptly meet with the Student's parent/guardian to determine if there are appropriate educational services to which the Student may be entitled under state and federal law.

8. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

9. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes:

Nays:

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of Fruitport Community Schools, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

*Susan Franklin*

Susan Franklin, Board Secretary



**Fruitport Community Schools  
Superintendent's Office**

3255 E. Pontaluna Road  
Fruitport, MI 49415  
Ph·231·865·4100  
Fax·231·865·3393  
www.fruitportschools.net

February 9, 2024

[REDACTED]

RE: [REDACTED]

Dear [REDACTED]:

Based on a thorough investigation, the District's administration has concluded that your child, [REDACTED], violated Board of Education Policy along with the Middle School Student Code of Conduct by making an intentional threat to commit an act of violence against a school employee or students. It was also concluded that your child committed an act of sexual harassment toward another student while at school. As a result, the administration has referred this matter to the District's Board of Education.

A hearing has been scheduled on Monday, February 19, 2024 at 6:30 p.m, in the Boardroom, which is located at the west end of Edgewood Elementary School at 3255 Pontaluna Road. Following the hearing, the Board will make a final decision whether to suspend or expel [REDACTED] from Fruitport Community Schools. At the hearing, you, [REDACTED], and his father, may submit evidence and present testimony to challenge the administration's findings or disciplinary recommendation.

You have the right pursuant to both Policy 2501 and Open Meetings Act Section 8(b) to have the Board hold the hearing in private (i.e., in a closed session of the Board), but as also required by law and policy, the Board must act on the matter publicly (i.e., in open session). If you want the Board to hold the hearing in private, the District will not disclose any personally identifiable information in open session when it acts. Please notify me as soon as possible whether you would like the Board to proceed in open or closed session. A copy of the hearing procedures is attached, as is a form that can be signed to hold the meeting in closed session.

Until the Board issues its final decision, [REDACTED] will remain suspended from school, may not attend classes or other school functions, may not be present on school property, and may not participate in extracurricular activities. If you have questions regarding this process, please contact me at 231-865-4002.

Sincerely,

Jason J. Kennedy  
Superintendent

Cc: Monte Kelly, Middle School Principal  
CA 60 [REDACTED]

## Series 5000: Students, Curriculum, and Academic Matters

### 5200 Student Conduct and Discipline

#### *5206-F-19 Due Process - Hearing Rights and Procedures*

##### **Right to a Hearing**

Before a student is suspended from school for more than 10 school days or is expelled from school, the student has a right to a hearing. The Superintendent conducts hearings for students who have committed an offense that may result in suspension of less than 60 school days. A removal from school for 60 or more school days is an expulsion. The Board conducts hearings for students who have committed an offense that may result in expulsion.

##### **What is a Hearing?**

If, after investigating student misconduct, a school administrator determines that a student engaged in misconduct that should result in either a suspension of more than 10 school days or an expulsion, the administrator will refer the matter to either the Superintendent or the Board. Either the Superintendent or the Board will conduct a due process hearing to determine: (1) whether the alleged misconduct occurred, and (2) if so, the appropriate consequence.

The student and his or her parent/guardian will be notified in writing at least 3 calendar days before the hearing. The notice will include: (1) a description of the alleged misconduct; (2) the potential disciplinary consequences that may be imposed; (3) the date, time, and location of the hearing; and (4) an invitation to the student and his or her parent/guardian to attend and participate in the hearing.

During the hearing, school administrators will describe the alleged misconduct and explain the facts related to the misconduct. The student and his or her parent/guardian may present evidence and witnesses to demonstrate that the student did not engage in the alleged misconduct or that suspension or expulsion is not the appropriate consequence. The student and his or her parent/guardian may also present evidence of any mitigating factors that the Superintendent or the Board should consider. The student and his or her parent/guardian may be represented by an attorney or another adult advocate at their cost.

Although the student and his or her parents/guardians are entitled to due process, a student discipline hearing is not a “trial.” The student and his or her parent/guardian do not have the right to compel attendance of witnesses or to “cross examine” witnesses. Typical rules of evidence are not followed. A student’s refusal to answer a question or failure to attend a hearing may be considered by the Superintendent or the Board.

##### *Superintendent Hearing*

If, following an investigation, a student is recommended for suspension for more than 10 school days but fewer than 60 school days, the Superintendent will conduct the

## **5206-F-19 Due Process - Hearing Rights and Procedures**

hearing. At least 3 calendar days before the hearing, the Superintendent will provide the student and his or her parent/guardian the written notice described above.

The Superintendent will not suspend the student unless, after the completion of the hearing, the Superintendent is convinced, based on a preponderance of the evidence, that the student committed a violation of the Student Code of Conduct and that, after considering all legally required factors, suspension is the appropriate consequence. The Superintendent will provide written notice of the decision to the student and parent/guardian.

### *Board Hearing*

If, following an investigation, a student is recommended for expulsion, the Board will conduct the hearing. Only the Board may expel a student.

At least 3 calendar days before the Board hearing, the Superintendent or designee will provide the student and his or her parent/guardian the written notice described above.

The hearing will take place at a regular or special Board meeting. The student and his or her parent/guardian may request that deliberations be held in closed session pursuant to Michigan Open Meetings Act section 8(b). The student and his or her parent/guardian must notify the Superintendent before the hearing to request that the deliberations occur in closed session.

The Board will not expel the student unless, after the completion of the hearing, a majority of the Board members are convinced, based on a preponderance of the evidence, that the student committed a violation of the Student Code of Conduct or an offense requiring suspension or expulsion under the Revised School Code and that, after considering all legally required factors, suspension or expulsion is the appropriate consequence. The Superintendent or designee will provide written notification of the Board's decision to the student and his or her parent/guardian. The Board's decision is final.

### **Students with Disabilities**

Suspension or expulsion of a student with a disability is subject to the rights and procedures guaranteed by state and federal law. Except as otherwise authorized by law, a student with a disability may not be suspended for more than 10 consecutive school days or expelled for conduct that is a manifestation of the student's disability.

AMENDED

PCS CODE: PET  
TCS CODE: PET

2024800070 KB

STATE OF MICHIGAN 14th JUDICIAL CIRCUIT - FAMILY DIVISION MUSKEGON COUNTY	PETITION (DELINQUENCY PROCEEDINGS) <input type="checkbox"/> Amended <input type="checkbox"/> Supplemental	CASE NO.: PETITION NO.: JUDGE:
---------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------	--------------------------------------

Court Address: 990 Terrace St. MUSKEGON, MI 49442

ORI MI610023J	CTN 61-24800070-01	TCN	SID	DOB Put DOB in Ref. No. row 1 on MC 97	DLN Put DLN in Ref. No. row 3 on MC 97
---------------	-----------------------	-----	-----	-------------------------------------------	-------------------------------------------

A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous petition.

Police Agency/Report No 61FPPD-202400403	Date: On or about 01/29/2024
---------------------------------------------	---------------------------------

In the matter of (name(s), alias(es), date(s) of birth)



1 The above named juvenile  come(s) within the provisions of MCL 712A.2 that on or about 01/29/2024, at 3113 E Pontaluna Rd Fruitport Twp., MUSKEGON County, Michigan, said Juvenile, contrary to law

has violated probation as follows:

Citations and allegations  operator/chauffeur driver's license  commercial driver's license  no license vehicle type

COUNT 1: SCHOOLS - INTENTIONAL THREAT TO COMMIT ACT OF VIOLENCE AGAINST SCHOOL, SCHOOL EMPLOYEES OR STUDENTS

did verbally, through the use of an electronic device or system or through other means intentionally threaten to use a firearm to commit an act of violence against any students, or school employees on school grounds, or school property and the threat can reasonably be interpreted to be harmful or adverse to human life, or dangerous to human life, contrary to MCL 750.235b(1) [750.235B1]

MISDEMEANOR: 1 Year and/or \$1,000.00

See attached sheet for further allegations.  Member of or eligible for membership in Indian tribe, as stated above.

- 2  a. There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are subject to the petition
- b. There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the petition. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- c. It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are subject to the complaint.

3 I designate this case as a case in which the juvenile is to be tried in the same manner as an adult

4 The above named juvenile is a legal resident(s) of OTTAWA, and resides in the care and custody of his/her Mother

5 The names and addresses of the parents, guardians, custodians, or nearest known relative are as follows

NAME	STATUS	ADDRESS	HOME PHONE	WORK PHONE
Father Putative <input type="checkbox"/>				
Mother				
Guardian, custodian, nearest known relative				

6. I request the court to (check either box a or b)

- a review the information and make an appropriate decision
- b authorize this petition and take jurisdiction over the juvenile Further, I request the court to
  - 1) issue an order to apprehend and/or detain the juvenile
  - 2) find the juvenile in contempt of court for violating a minor personal protection order
  - 3) find the juvenile has violated probation and
    - notify the juvenile to appear for the hearing [ ] notify the juvenile to appear for the hearing
    - order the juvenile apprehended and brought to court for a detention hearing
  - 4) designate this case as a case in which the juvenile is to be tried in the same manner as an adult

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief

Petitioner's signature

2-6-2024  
Date



STATE OF MICHIGAN 14th JUDICIAL CIRCUIT - FAMILY DIVISION MUSKEGON COUNTY	PETITION (DELINQUENCY PROCEEDINGS)		CASE NO.: 2024800070
	<input type="checkbox"/> Amended <input type="checkbox"/> Supplemental		PETITION NO.: JUDGE:

Court Address: 990 Terrace St. MUSKEGON, MI 49442

ORI: MI610023J	CTN 61-24800083-01	TCN	SID	DOB Put DOB in Ref. No. row 1 on MC 97	DLN Put DLN in Ref. No. row 3 on MC 97
----------------	-----------------------	-----	-----	-------------------------------------------	-------------------------------------------

A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous petition.

Police Agency/Report No. 61FPPD-2024-00500	Date: On or about 01/25/2024
-----------------------------------------------	---------------------------------

In the matter of (name(s), alias(es), date(s) of birth)

[REDACTED]

**CO-DEFENDANT(S):**

1. The above named juvenile  come(s) within the provisions of MCL 712A.2. that on or about 01/25/2024 , at 3113 E. Pontaluna Fruitport Twp., MUSKEGON County, Michigan, said Juvenile, contrary to law:

has violated probation as follows:

Citations and allegations:     operator/chauffeur driver'slicense     commercial driver'slicense     no license    vehicle type

**COUNT 1: INDECENT EXPOSURE**

did knowingly make an open or indecent exposure of his or her person; contrary to MCL 750.335a(2)(a). [750.335A]

MISDEMEANOR: 1 Year and/or \$1,000.00

See attached sheet for further allegations.     Member of or eligible for membership in Indian tribe, as stated above.

2.  a. There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are subject to the petition.
- b. There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the petition. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- c. It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are subject to the complaint.

3. I designate this case as a case in which the juvenile is to be tried in the same manner as an adult.

4. The above named juvenile is a legal resident(s) of OTTAWA, and resides in the care and custody of his/her Mother.

5. The names and addresses of the parents, guardians, custodians, or nearest known relative are as follows:

NAME	STATUS	ADDRESS	HOME PHONE	WORK PHONE
Father                      Putative <input type="checkbox"/>				
Mother		[REDACTED]		
Guardian/Custodian/nearest known relative				

**6. I request the court to (check either box a or b)**

a. review the information and make an appropriate decision.

b. authorize this petition and take jurisdiction over the juvenile. Further, I request the court to

- 1) issue an order to apprehend and/or detain the juvenile.
- 2) find the juvenile in contempt of court for violating a minor personal protection order.
- 3) find the juvenile has violated probation and
  - notify the juvenile to appear for the hearing. [ ] notify the juvenile to appear for the hearing.
  - order the juvenile apprehended and brought to court for a detention hearing.
- 4) designate this case as a case in which the juvenile is to be tried in the same manner as an adult.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

*Hilary Baker*

02/13/2024  
12:10 PM

Petitioner's signature    HILARY L. BAKER P-79490    Date  
ASSISTANT PROSECUTOR

Print or type name \_\_\_\_\_

Agency/Address \_\_\_\_\_

<b>STATE OF MICHIGAN</b> 14th JUDICIAL CIRCUIT - FAMILY DIVISION <b>MUSKEGON COUNTY</b>	<b>PROTECTED PERSONAL IDENTIFYING INFORMATION</b> <input type="checkbox"/> Amended <input type="checkbox"/> Supplemental	<b>CASE NO.: 2024800070</b> <b>PETITION NO.:</b> <b>JUDGE:</b>
-----------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------

Court Address: 990 Terrace St. MUSKEGON, MI 49442

Plaintiff's/Petitioner's name <b>THE PEOPLE OF THE STATE OF MICHIGAN</b>	v	Defendant's/Respondent's name [REDACTED]
In the matter of [REDACTED]		

This form is nonpublic because it contains personal identifying information (PII) that is protected from public inspection under MCR 1.109(D)(9)(a). Use this form to provide PII only for a person who is a defendant, respondent, or decedent. If the person is a plaintiff, petitioner, or other individual, use form MC 97a.

**Instructions:**

- When PII (such as date of birth) must be filed with the court on a public document, **DO NOT** include it on that public document. Instead, you must provide it on this form.
- **Provide only** the protected PII required for your particular case. For example, if you are filing a public document that requires you to provide a date of birth to the court, complete only that field on this form.

Name of form/document that this MC 97 is being filed with: Petition**HILARY L. BAKER**                      **2/13/2024**

Printed name of individual completing form and date

Instructions: Provide the name of the person that the PII applies to, followed by the specific PII that is required to be provided. For Other, specify the type of PII in addition to the PII itself. Use the below reference number (Ref. No.) in the public document in place of the protected PII. For example, insert "Ref. No. 1" in place of the DOB in the public document.

Ref. No.	Name (required)
1	Date of birth [REDACTED]
2	National ID no. / Last 4 digits of SSN XXX-XX-
3	Driver's License / State-issued ID no.
4	Passport no.
5	Other

Ref. No.	Instructions: List the name of the financial institution and the account number. List the paragraph that references the account, if needed for clarity. Use reference number (Ref. No.) when necessary to refer to account in public documents		
6	Financial institution	Account no.	Paragraph no.
7	Financial institution	Account no.	Paragraph no.
8	Financial institution	Account no.	Paragraph no.
9	Financial institution	Account no.	Paragraph no.

Approved, SCAO, PACC-PAAM Replacement

Form MC 97, Rev. 09/20

MCR 1.109

Page 1 of 1

CTN: 2024800083 PPI

## Log Entries

  FMS  Yanke Carrie 3  

61808102 UIC#: 1635007620 ID: 16551 Locker Number: 

Student Number:

### [Edit Discipline Alert](#)

Date	Description
02/06/2024	Kelly, Monte - <b>Exposure/sexual</b> - Two students reported (separately) that at the end of math class,  was masterbating and exposed his penis. Both students witnessed seeing his penis.
01/29/2024	Kelly, Monte - <b>Threat</b> - While talking with students at lunch on 1/29/2024, several students reported that  made a threat to the school stating, "Yeah I want to shoot up that whole group over there... I'm bouta shoot him up" (referring to the Principal).



Course	Expression	5/6-5/10					5/13-5/17					5/20-5/24					5/27-5/31					6/3-6/7				
		M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H	F
8TH SOCIAL STUDIES B McKeeby, Tim 101 E 01/22/2024 L 06/08/2024	5(A)	-																								
COMPUTERS 2 Robison, Colleen 125 E 01/22/2024 L 06/08/2024	6(A)	-																								
PHYSICAL EDUCATION 2 Johnson, Randy GYM E 01/22/2024 L 06/08/2024	1(A)																									
8 Science B Woodard, Jeff 134 E 01/22/2024 L 06/08/2024	2(A)																									
8TH LANGUAGE ARTS B Yanke, Carrie 124 E 01/22/2024 L 06/08/2024	3(A)																									
8TH MATH B Bostelman, Sean 129 E 01/22/2024 L 06/08/2024	4a(A) 4b(A)																									
8TH SOCIAL STUDIES B McKeeby, Tim 101 E 01/22/2024 L 06/08/2024	5(A)																									
COMPUTERS 2 Robison, Colleen 125 E 01/22/2024 L 06/08/2024	6(A)																									

**Legend**

Attendance Codes: Blank=Present | PR=Present | UA=Unexcused Absence | EA=Excused Absence | VA=Virtual Absent | VP=Virtual Present | T=Unexcused Tardy | ET=Excused Tardy | SR=School Related Absence | IS=In School Suspension | CA=Court Appointment | HB=Homebound | FD=First Day in Attendance | LP=Last Day in Class - Present | LA=Last Day in Class - Excused Absence | LU=Last Day in Class - Unexcused Absence | NS=Student Absences total | DR=Doctor Excused | LE=Left Early

## Historical Grades

  FMS  Yanke Carrie 3    
61808102 UIC#: 1635007620 ID: 16551 Locker Number 

Student Number:

There are no historical grades for this student in their current school.  
Click the 'Detail View' link above to view historical grades from previous schools.