

SOLANO COUNTY BOARD OF EDUCATION
5100 Business Center Drive
Fairfield, CA 94534

MINUTES
Special Meeting – Continued Expulsion Appeal
August 13, 2008

In accordance with Education Code §48919 – §48925, the Solano County Board of Education met in closed session on Wednesday, August 13, 2008, in the Boardroom of the Solano County Office of Education, 5100 Business Center Drive in Fairfield, California.

I. CALL TO ORDER

Board President Mayrene Bates called the meeting to order at 7:46 PM.

II. ROLL CALL

Members Present

Mayrene Bates, President
John Galvan, Vice President
Doug Ford
Maria Kennedy
Raymond Silva
Rozzana Verder-Aliga
Dee Alarcón, Secretary

Members Absent

Larry Asera

Mrs. Bates noted that a quorum was present as was County Superintendent of Schools Dee Alarcón.

Others Present

Rob Phillips, County Superintendent of Schools Office
Jay Speck, County Superintendent of Schools Office
Lisette Estrella-Henderson, County Superintendent of Schools Office
Laryn Bishop, County Superintendent of Schools Office
Monica Ross, County Superintendent of Schools Office
Carrie Scarlata, Deputy County Counsel
Gwendolyn Lawton, Fairfield-Suisun Unified School District
Cathy Hill, Fairfield-Suisun Unified School District
Joseph Kinkade, School and College Legal Services

III. APPROVAL AND ADOPTION OF AGENDA

Motion was made by Mr. Ford, seconded by Ms. Kennedy, and unanimously carried by those present to approve and adopt the agenda as presented.

IV. HEARING OPENS

Rob Phillips, Associate Superintendent of Student Programs and Educational Services, stated that the Board had granted a continuance of this expulsion appeal hearing on June 25, 2008. The following day, he sent a letter by regular and certified mail to the parent, parent's advocate, county counsel, and the district. The letter included today's date and time for the continued hearing.

Just prior to this meeting, Mr. Phillips received an e-mail from the parent asking for another continuance because she contends that she learned of the date of this hearing just last night, and the student is away at camp until the end of August.

Mr. Phillips said the Board may (1) grant a second continuance until the Board's September meeting; (2) deny the continuance and take no action; or (3) deny the continuance and hear the appeal without the parent's presence.

Carrie Scarlata, Deputy County Counsel, asked the Board to consider whether the parent gave good cause to grant the continuance and recommended asking the district's opinion.

Joseph Kinkade, legal counsel for FSUSD, said the district would like to move forward. He added that the district could show a document signed by the parent that contained the date and time of the continued hearing.

Motion was made by Mr. Galvan, seconded by Dr. Verder-Aliga, and unanimously carried by those present to deny the extension since school will have already begun by September's Board meeting.

V. PRESENTATION OF CASE

(a) Appellant or representative presentation

Mr. Phillips said that this would typically be the time for the parent to give a statement followed by questions from the Board. The Board has already had the opportunity to read the expulsion appeal packet and is familiar with the parent's reasons for requesting an appeal.

(b) Respondent presentation

Mr. Kinkade and Gwen Lawton, Pupil Services Coordinator for FSUSD, addressed the parent's written appeal request and noted that the district had documented every step of the expulsion process as required by law.

VI. HEARING CLOSES

The Board may (1) affirm the district governing board's decision, (2) reverse the district governing board's decision, (3) remand the matter back to the district for reconsideration or for adoption of the required findings, or (4) grant a hearing *de novo*.

Motion was made by Mr. Galvan, seconded by Dr. Verder-Aliga, and unanimously carried by those present to *affirm* the district's decision to expel the student.

Mr. Phillips' office will follow up by sending the Decision and Order to the concerned parties by the end of this week.

VII. ADJOURNMENT

There being no further business, the hearing was adjourned at 8:03 PM.

Dee Alarcón, Secretary
Solano County Board of Education