

SOLANO COUNTY BOARD OF EDUCATION

MINUTES Special Meeting/Expulsion Appeal February 10, 2016

In accordance with Education Code §48919 – §48925, the Solano County Board of Education held a special closed hearing on Wednesday, February 10, 2016, to act as an appeals board to review a student expulsion appeal. The meeting took place in the Boardroom of the Solano County Office of Education (SCOE), 5100 Business Center Drive, Fairfield, California.

I. CALL TO ORDER

Board President Dana Dean called the meeting to order at 6:30 PM.

II. ROLL CALL

Members Present

Dana Dean, President (Trustee Area 3)
Elease Minor, Vice President (Trustee Area 5)
Mayrene Bates (Trustee Area 4)
Peggy Cohen-Thompson (Trustee Area 7)
Michelle Coleman (Trustee Area 1)
Doug Ford (Trustee Area 6)
Raymond Silva (Trustee Area 2)

Trustee Dean welcomed those in attendance and noted that a quorum was present.

III. APPROVAL AND ADOPTION OF AGENDA

Motion was made by Trustee Bates, seconded by Trustee Minor, and unanimously carried by a vote of those present to approve and adopt the agenda as presented.

Trustee Cohen-Thompson announced that she knows the appellant's family, and she recused herself and left the hearing room.

IV. CLOSED HEARING OPENS

There were no public comments, and the hearing began at 6:32 PM.

- (a) Introduction of appellant, respondent, their representatives, SCOE staff, legal counsel, and others present

Lisette Estrella-Henderson, Associate Superintendent of Student Programs and Educational Services, introduced herself and her role as the non-voting facilitator of the hearing. She introduced Dr. Victor Romualdi, Assistant Superintendent of Student Programs, serving as timekeeper; Jay Speck, Solano County Superintendent of Schools and Secretary to the Board; and Dan Wolk, Solano County Deputy County Counsel, serving as the Board's attorney and ruling on any objections raised; all three are non-voting roles. The six remaining Board Members introduced themselves.

The appellant, a 15-year-old male student, was present and represented by his grandmother.

Representing the Vallejo City Unified School District (VCUSD) were Edison Kelly, Coordinator of School Management and Support; Phillip Shelley, Director of School Management and Support; Jen Cronan, Vice Principal at Jesse Bethel High School; and Diane Marshall-Freeman, Attorney with the firm of Fagen Friedman and Fulfrost.

- (b) Review of legal authorization, purpose, scope, and procedures of the student expulsion appeal hearing and materials pertaining to the appeal

Mrs. Estrella-Henderson reviewed the agenda and order of presentations and explained the hearing process, Board's limited authority in expulsion appeal cases, and possible actions that the Board may take.

V. PRESENTATION OF CASE

Following each presentation, Board Members were given the opportunity to ask questions of any person appearing before the Board.

(a) Appellant or representative presentation

The grandmother stated her case, and she and the student answered questions from the Board.

(b) Respondent presentation

Ms. Marshall-Freeman and the VCUSD staff stated the district's case.

(c) Appellant or representative closing remarks

The student's grandmother made a closing statement, and the student read a prepared statement.

(d) Respondent closing remarks

Ms. Marshall-Freeman stated that new information had been presented about guardianship during the hearing that the district did not know was an issue. The district will need to examine the matter further.

VI. HEARING CLOSES – CLOSED SESSION DELIBERATIONS BEGIN

Both parties were given the opportunity to submit additional written materials.

Pursuant to Education Code §35146, the Board adjourned to closed session at 7:45 PM to deliberate the appeal.

VII. HEARING RECONVENES

The Board reconvened the hearing at 8:47 PM. Trustee Dean announced that the Board had determined that a continuance of the hearing was needed to allow the district to address the new issue raised by the appellant regarding guardianship and proper notification. The Board would like the district to substantiate when, how (method used), and to whom the expulsion notices were sent; provide documentary evidence that the notices were sent; and confirm that the notices were sent to the correct individual(s) based on guardianship documentation in the school's or district's possession.

The Board offered two dates for the continuance: February 29 or March 9, 2016. All parties agreed to February 29th at 6:00 PM.

Ms. Mitchell-Freeman asked for clarification about whether the February 29th meeting would be a hearing de novo for the purpose of notice. Mr. Wolk reiterated that the Board was not closing this appeal but rather continuing the hearing to gain more information about whether there was a prejudicial abuse of discretion in the district expulsion hearing. The issue of the expulsion hearing notices raised to the Board at this county-level appeal had not been raised during the district-level hearing. The sole issue at the February 29th continuance will be whether proper notice was given and if the proper individual(s) received notice. Until that time, the Board will remain open to any briefing materials or legal arguments either party wished to submit.

The Board reserved its ruling until February 29th.

VIII. ADJOURNMENT

There being no further business, the meeting was dismissed at 8:54 PM and will continue on Monday, February 29, 2016, at 6:00 PM in the SCOE Boardroom.

Signature on File

Jay Speck
Secretary to the Solano County Board of Education