

SOLANO COUNTY BOARD OF EDUCATION

**MINUTES**

**Special Meeting/Expulsion Appeal Hearing #1 (Continued from 02/10/16)  
February 29, 2016**

In accordance with Education Code §48919 – §48925, the Solano County Board of Education met on Monday, February 29, 2016, in a special closed hearing to act as an appeals board to continue the review of a student expulsion appeal that commenced on February 10, 2016.

**I. CALL TO ORDER**

Board President Dana Dean called the meeting to order at 6:00 PM.

**II. ROLL CALL**

Members Present

Dana Dean, President (Trustee Area 3)  
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)

Members Absent

Elease Minor, Vice President (Trustee Area 5)

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

**III. APPROVAL AND ADOPTION OF AGENDA**

Motion was made by Trustee Silva, seconded by Trustee Coleman, 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 as she had done for the first part of this appeal hearing held February 10<sup>th</sup>.

**IV. PUBLIC COMMENT ON CLOSED HEARING AGENDA ITEM**

There were no comments from members of the public.

**V. CLOSED HEARING CONTINUATION**

The hearing reopened at 6:05 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 to advise the Members in legal matters and rule on any objections raised; all three are non-voting roles. The remaining five Board Members introduced themselves.

The appellant, a 15-year-old male student, was not present but was represented by his grandmother, his sister, and his grandmother's uncle.

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 stated that this is a closed hearing and a continuation of an expulsion appeal that began on February 10, 2016. The purpose of this continuation is to focus on the narrow issues regarding who has legal guardianship and/or educational rights for this student, to whom did the district send expulsion notices, and by what method the notices were sent.

She explained the hearing process, Board's limited authority in expulsion appeal cases, and possible actions that the Board may take. She reviewed the order of presentations and 10-minute total timeframe during which each party, the appellant and respondent, may split between opening and closing statements. The Board accepted any written arguments including a brief submitted by Ms. Marshall-Freeman on behalf of the district that was received by all parties.

- (c) Members of the Board may ask questions of any person appearing before the Board. Questions shall be limited to the scope of the hearing.

The appellant's grandmother made a statement and answered questions from the Board.

Ms. Marshall-Freeman reviewed the brief supporting the appropriateness of the expulsion and pointed out details of the notices sent by the district, and the difference between guardianship and parental education rights. She and the district staff answered questions from the Board.

#### **VI. HEARING CLOSES – CLOSED SESSION DELIBERATIONS BEGIN**

The hearing closed at 6:31 PM, and, pursuant to Education Code §35146, the Board adjourned to closed session to deliberate the appeal.

#### **VII. RECONVENE IN OPEN SESSION**

The Board reconvened at 6:57 PM. Trustee Dean commented on the Board's limited scope in expulsion appeal cases and the lack of evidence regarding the termination of parental education rights. She also recommended to the district that future expulsion notices should be sent via certified mail as is stated in VCUSD's policies.

Motion was made by Trustee Bates, seconded by Trustee Coleman, and unanimously carried by a roll call vote of those present to affirm the district governing board's decision and deny the appeal.

#### **VIII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:00 PM.

*Signature on File*

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Jay Speck  
Secretary to the Solano County Board of Education