

SOLANO COUNTY BOARD OF EDUCATION

MINUTES
Special Meeting/Expulsion Appeal Hearing #2
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 review a student expulsion appeal.

I. CALL TO ORDER

Board President Dana Dean called the meeting to order at 7:04 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 Coleman, seconded by Trustee Cohen-Thompson, and unanimously carried by a vote of those present to approve and adopt the agenda as presented.

Trustee Dean disclosed that she had recently hired an associate for her law firm who previously worked for the same firm as the appellant's attorney; however, the associate had a different area of expertise and did not work on expulsion matters. Trustee Dean offered to recuse herself from the hearing, but neither the appellant nor respondent had any concerns or questions about her participation in the hearing.

IV. PUBLIC COMMENT ON CLOSED HEARING AGENDA ITEM

There were no comments from members of the public.

V. CLOSED HEARING OPENS

The hearing began at 7:05 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 Board Members introduced themselves.

The appellant, a 16-year-old male student, was not present but was represented by his mother and father; Jill E. Sowards, Attorney with Legal Services of Northern California; Ms. Sowards' assistant, Marisol Eoras; and Janine Felzer, Interpreter.

Representing the Fairfield-Suisun Unified School District (FSUSD) were Angie Avlonitis, Director of Student Services, and Jan Tomsy, 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 expulsion appeal was being held as a closed hearing, and she explained the hearing process, Board's limited authority in these cases, and possible actions that the Board may take. She reviewed the agenda and order of presentations giving both parties, the appellant and respondent, up to 30 minutes each to state their cases. The time may be split however the party wishes between opening and closing statements. Both parties and each Board Member had received a record of the case (pages 1.1 through 8.32) in advance for review.

VI. PRESENTATION OF CASE

Members of the Board were given the opportunity to ask questions, limited to the scope of the hearing, of any person appearing before the Board.

- (a) Appellant or representative presentation

Ms. Sowards made a statement on behalf of the Appellant including the reasons for the appeal, and she and the Appellant's parents answered questions from the Board.

- (b) Respondent presentation

Ms. Tomsy stated the district's case and answered questions from the Board.

- (c) Appellant or representative closing remarks

Ms. Sowards made a closing statement.

- (d) Respondent closing remarks

Ms. Tomsy made a closing statement.

VII. HEARING CLOSES – CLOSED SESSION DELIBERATIONS BEGIN

The hearing closed at 8:15 PM. Pursuant to Education Code §35146, the Board adjourned to closed session to deliberate the appeal.

VIII. RECONVENE IN OPEN SESSION

The Board reconvened at 8:35 PM. Trustee Dean commented on the Board's limited scope in expulsion appeal cases and that all facts in the case had been considered.

Motion was made by Trustee Coleman, seconded by Trustee Cohen-Thompson, and unanimously carried by a roll call vote of those present to affirm the district governing board's decision and deny the appeal based on the evidence presented.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:36 PM.

Signature on File

Jay Speck

Secretary to the Solano County Board of Education