

# SOLANO COUNTY BOARD OF EDUCATION

## MINUTES Special Meeting September 28, 2015

The Solano County Board of Education met in special session on Monday, September 28, 2015, at the Solano County Office of Education (SCOE), 5100 Business Center Drive in Fairfield, California.

### I. CALL TO ORDER IN OPEN SESSION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Board President Michelle Coleman called the meeting to order at 9:04 AM and led those present in the Pledge of Allegiance.

### II. ROLL CALL

#### Members Present

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

#### Members Absent

Raymond Silva (Trustee Area 2)

Trustee Coleman welcomed those in attendance and noted that a quorum was present as was Jay Speck, Solano County Superintendent of Schools, serving as Secretary to the Board.

#### Others Present:

County Superintendent of Schools Office –

Lisette Estrella-Henderson

Janet Harden

Laryn Bishop

Tommy Welch

Sandy Jessop

Monica Ross

Michael Tucker, Girard & Edwards

### III. APPROVAL AND ADOPTION OF AGENDA

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

### IV. COMMENTS FROM THE COMMUNITY

There were no comments from the community.

### V. ROLE OF THE BOARD – Part 1

Mr. Speck talked about the role of Board Members as a link to our community and the transformation of that leadership role as the needs of our local school districts change and laws are enacted or modified. Material presented by staff included information regarding areas in which the Board's responsibilities have been recently updated as well as topics the Board requested for further in-depth study.

#### (a) Interdistrict Attendance and Expulsion Appeals

Lisette Estrella-Henderson, Associate Superintendent of Student Programs and Educational Services, and Michael Tucker, Attorney with Girard & Edwards, distributed copies of a PowerPoint presentation regarding the timelines and appeals processes for interdistrict attendance requests and student expulsions.

#### Interdistrict Attendance Appeal (IDA):

Interdistrict attendance agreements may occur between two districts, and both the district of residence and the incoming district must concur on the student's requested school of attendance. An appeal may be filed with the county board if either district rejects or fails to rule on a pupil's request.

In cases where the districts are in different counties (such as Napa and Solano), jurisdiction for hearing the appeal rests with the pupil's district of residence. If the counties do not concur, the pupil's appeal is denied. A parent can go to court to force the appeal, but most districts and counties are able to work collaboratively on a solution such as attendance at an alternative site.

SCOE typically holds IDAs in open session and deliberations in closed session. It is important to consider student privacy under the Family Educational Rights and Privacy Act (FERPA) versus open meeting requirements as set forth in the Brown Act. An argument could be made for holding these hearings in either public or private session. While the Brown Act does not mention an IDA as a legitimate reason for holding a closed session; however, the Attorney General has issued an opinion stating that closed session is more appropriate due to privacy of a minor. Therefore, it is generally recommended that both hearings and deliberations be held in closed session unless otherwise requested. Although California Education Code allows for IDAs to be held publicly, it is the Board's decision to establish its process. Mr. Speck offered to work with legal counsel on a revised process and bring it back to the Board for review. Expulsion appeals are already held in closed session, so the policy language already exists. Moving to closed session IDAs may help parents/guardians feel more comfortable than if they publically present information about their child's attendance, discipline, or mental health.

Mr. Tucker stated that IDAs shall be decided on its merits. While it may be difficult to remove the emotions from the case, it is important for the Members to keep open minds, reserve opinions until all evidence has been presented, and not permit prejudice, sympathy, or bias to influence decisions. The Board must base its decisions on the facts of the case and the law, taking into consideration the needs of the districts (e.g., space availability, fiscal impact, etc.), the hardship of the family, whether all statutory and regulatory requirements have been satisfied, and whether the pupil has established clear and convincing evidence that the transfer is necessary. Mr. Tucker also reviewed the Board's limited scope of review and issues that it has no authority to consider or rule on including attendance at a specific school and, due to separate due process laws, disputes over the appropriateness of special education pupil placement.

Mr. Tucker led the Board through a mock IDA and answered the Members' further questions about the process. Themes from the exercise stressed the importance of giving parents their rightful opportunity for a hearing and the significance of following policy.

#### Expulsion Appeal:

Mrs. Estrella-Henderson talked about the timelines pertaining to expulsion appeals. Fortunately, district interventions and staff training prevent the Board from hearing too many of this type of appeal. Education Code requires that they occur in closed session, unless the parent requests otherwise, and section 48900 defines the general acts for which expulsion is justified.

In these cases, the Board cannot hear additional evidence except what has already been presented to the district during its hearing. Mr. Tucker talked about the "de novo" exception in which new information can be heard, and he reviewed the Board's limited scope of authority, pointing out that a fair hearing refers to procedural fairness and not whether the expulsion was a fair punishment. The Board's duty is not to agree or disagree with the district board's decision but rather to ensure the district's adherence to legal timelines and procedures.

Mrs. Estrella-Henderson clarified that expellable offenses may occur during school, at school activities, as well as on the way to and from school and school activities. Behavior occurring at home is not a consideration. Mr. Speck emphasized the importance of observing the expulsion appeal regulations, and he mentioned that legal counsel is always present to advise the Board on expulsion appeals because the proceedings can be complex and serious. The Board's authority is extremely limited and does not grant the same discretion as an IDA. Student expulsions are decided by the district's governing board, whereas IDAs are typically determined by the district superintendent or a staff designee.

Mr. Tucker led the Board through a mock expulsion appeal and answered questions from the Members.

(b) Charter School Appeals

Mrs. Estrella-Henderson and Mr. Tucker continued their PowerPoint presentation to review the procedures and timelines related to charter school requests. Mr. Tucker noted that the Board's policy regarding charter schools, petitions, and appeals was revised last winter.

When a charter appeal is received, SCOE staff conducts an in-depth study of 16 elements that must, by law, be considered (e.g., human resources, facilities, curriculum/instruction, fiscal, etc.) when determining the viability of the charter school. The Board's review of the charter is not limited based solely on the local district's reasons for denying the petition.

Mr. Tucker reviewed the five statutory reasons a Board may deny a charter and discussed the differences in the appeals process when it involves a charter that was revoked by a district, in which case the Board can only consider evidence that was presented to the district.

Mr. Speck added that the staff's and Board Members' personal feelings about charter schools are irrelevant. If the petitioners meet the requirements, we need to let them move forward, but the application must contain a strong action plan rather than an emotional story and weak theory about what they hope to achieve. The staff's detailed presentations are to aid the Board in making informed decisions as much as to help the charter either succeed or avoid failure.

When asked how it is determined whether a charter has an unsound educational program, Mrs. Estrella-Henderson said it is not subjective but is based on extensive research including the qualifications and credentials of the teachers, financial structure, facilities, and many other areas. The depth of each area's review may differ depending on the type of petition: new, appeal, or revocation.

Members thought it would be useful to have a rubric chart showing the various types of appeals that may come before the Board and the possible outcomes. Mrs. Estrella-Henderson stated that staff is in the process of developing such a document, and she will provide it to the Board once it is completed.

**VI. RECESS AND RECONVENE**

The Board took a brief recess at 10:52 AM during which Trustee Bates distributed copies of a recent article concerning truancy that appeared in the *Daily Republic* newspaper. The meeting resumed at 11:08 AM.

**VII. ROLE OF THE BOARD – Part 2**

(c) Local Control and Accountability Plan (LCAP)

Mrs. Estrella-Henderson presented a PowerPoint and discussed the use of metrics and data to measure progress in meeting SCOE's LCAP goals. She reviewed the 10 State LCAP priorities and gave an overview of the student demographics and number of pupils in the Juvenile Detention Facility (JDF), Division of Unaccompanied Children's Services (DUCS), and Community School programs and talked about the stakeholder engagement process, which helps identify focus areas and gauge improvement.

Mrs. Estrella-Henderson explained SCOE's strategies for monitoring areas such as student attendance, behavior, achievement of credits, and path toward graduation by looking at each pupil's individual needs and addressing the reasons behind their problems in these areas. There are interventions with barriers to success caused by family issues (e.g., homelessness, poverty, illness, transportation, etc.), and in the vital subjects of listening, speaking, reading, and writing, students receive ongoing Individual Learning Plans and interim assessments, which will give teachers quick feedback and enable them to take immediate action to provide assistance where needed and with concepts that have not yet been grasped.

In response to questions about Positive Behavior Intervention Support (PBIS), Mrs. Estrella-Henderson briefly described the multi-tiered system of support, and Mr. Speck recommended having staff give a more in-depth report at an upcoming Board meeting.

Mrs. Estrella-Henderson talked about the important roles of the California Collaborative for Educational Excellence (CCEE) as well as the Board in achieving the goals set forth in the LCAP and, ultimately, addressing the needs of targeted student populations.

Since SCOE's Community School program received its Western Association of Schools and Colleges (WASC) accreditation, we have presented 10 diplomas to students who earned them. All of the students and their family members have expressed happiness and pride in the students' accomplishments and gratefulness to the teachers for their help and support.

(d) Community Outreach

Mrs. Harden led a discussion by asking each member for his/her views on the Board's role in the community, reaching out to constituents and the community, and the resources needed to effectively perform their duties. Comments and suggestions included:

- The Board has a significant role serving the county's most vulnerable student population and needs a more visible profile as ambassadors and overseers, because many people do not know who our Members are or what the Board does.
- It is the Members' duty to favorably represent the Board and SCOE in the community. The Members would like to be more informed so they can attend additional staff, program, and student events at SCOE and in the districts they represent. (Consider using Google Calendars to link events to the Members' cell phones.)
- The Board has a difficult task of overcoming negative perceptions about education by informing the public of the many positive things happening in schools and notifying students about the process for entering college and filing for financial assistance.
- SCOE publications, such as Fingertip Facts and themed talking points, are helpful resources, and the Board would like those to continue to be available.
- Arranging activities for the community (e.g., brown-bag-lunches with students, question-and-answer sessions with parents) and/or scheduling Members to speak at board meetings in the district(s) they represent would provide opportunities to explain what we do and clarify the differences between district and county boards.

Mr. Speck stated that the definition of a board member will be different depending on each Member's individual style. He often answers questions about the differences between district and county boards, and he always comments on the Board's important role as an appellate body. One common misconception is that SCOE is the boss of the districts and can tell them what to do, so he frequently informs the public of those areas for which the districts are responsible. He will mention at an upcoming meeting with the district superintendents that the Board Members wish to receive invitations to events in their districts, and he will share with the Board details of those events to which he is invited.

Mrs. Harden added that most districts post activity calendars on their websites, and the Members may be able to go online and link to them or sign up to receive event notices. For next steps, she will compile the Board's input and bring it back for a discussion on best practices.

## **VIII. BOARD TRAVEL AND CONFERENCES BUDGET**

Mr. Speck distributed copies of the Board's Travel Budget Analysis for 2015-16, reviewed cost trends, and led a discussion on future needs based on SCOE's adopted budget.

The handout contained the amounts budgeted and expended for the Board's travel and conference attendance in the current and past four years. The budgeted amount for this year was increased at the Board's request due to the members' desire to participate in more training and conferences in the coming year. The handout also showed the standard local and state events typically attended by Board members each year along with the average cost per attendee. For the past several years, the Board

has been mindful of the public’s perception about the use of public funds and self-regulated by sending only one or two representatives to most activities.

Trustee Dean noted that the Board’s 2015-16 travel and conference budget is less than many school boards’ or the Solano County Board of Supervisors, and she inquired about its percentage of SCOE’s total budget and how it compares to other county boards’.

Discussion followed on the importance of providing training, particularly for new board members; keeping current on education-related matters in order to make informed decisions and improve our processes; and to have a good statewide presence, which is beneficial to Solano County in the form of grants.

Trustee Coleman stated that the Board does a good job of self-regulation, and she appreciated the handout because it gave the Members accurate information of its present financial position.

**IX. Wrap-UP/EVALUATION +/-▲**

The Board discussed the portions of the meeting that went well and those that can be improved upon to make the next study session better.

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<ul style="list-style-type: none"> <li>• Appeals discussion provided useful information for both new and experienced Board Members; will be helpful in future appeals <i>(Trustee Coleman)</i></li> <li>• Healthy breakfast <i>(Trustee Coleman)</i></li> <li>• Scheduled public meetings offer opportunity to discuss important issues <i>(Trustee Dean)</i></li> <li>• Legal counsel present to answer questions <i>(Trustee Bates)</i></li> <li>• Good dialogue <i>(Mrs. Jessop)</i></li> <li>• Discussion of different perspectives on roles <i>(Trustee Minor)</i></li> <li>• Excellent LCAP presentation; learned new things <i>(Trustee Ford)</i></li> <li>• Agenda focused on needs of the Board <i>(Trustee Coleman)</i></li> </ul> <p>In-house summaries are a benefit to the Board; more time to discuss and hear other views <i>(Trustee Bates)</i></p>	<ul style="list-style-type: none"> <li>• Statewide LCAP process <i>(Trustee Ford)</i></li> <li>• Long-term thinking <i>(Trustee Ford)</i></li> <li>• Consider community outreach, scheduling in the evening, and offering refreshments to attract attendance <i>(Trustee Dean)</i></li> <li>• Consider a community meeting regarding the outcome of the Board’s study session <i>(Trustee Cohen-Thompson)</i></li> </ul>

Noting the many positive comments, Mr. Speck talked about past study sessions being held annually and consisting primarily of staff and departmental reports, which are now routine presentations during regular board meetings. The Board may decide to hold study sessions more frequently than once per year, if needed. Trustee Coleman helped develop this agenda to focus on Board-driven issues. Since the meetings are publically posted, anyone is welcome to attend and participate in topics of interest.

**X. ADJOURNMENT**

There being no further business, the meeting was adjourned at 12:44 PM.