

SOLANO COUNTY BOARD OF EDUCATION

MINUTES
Special Meeting/Expulsion Appeal Hearing
January 11, 2017

In accordance with Education Code (EC) sections 48919–48925, the Solano County Board of Education met on Wednesday, January 11, 2017, in a closed hearing to act as an appeals board for a student expulsion appeal.

I. CALL TO ORDER

Board President Dana Dean called the meeting to order at 7:36 PM.

II. ROLL CALL

Members Present

Dana Dean, President (Trustee Area 3)
Elease Cheek, 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) (*arrived at 7:37 PM*)
Amy Sharp (Trustee Area 2)

III. APPROVAL AND ADOPTION OF AGENDA

Motion was made by Trustee Coleman, seconded by Trustee Cheek, and carried by a vote of those present to approve and adopt the agenda as presented. (*Trustee Ford was absent.*)

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 7:36 PM.

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

Solano County Office of Education (SCOE) staff: (non-voting roles)

- Lisette Estrella-Henderson, Solano County Superintendent of Schools and Secretary to the Board.
- Victor Romualdi, Assistant Superintendent of Student Programs, served as timekeeper.
- Dan Wolk, Deputy County Counsel, advised the Board on legal matters and ruled on objections.

The Board Members introduced themselves.

Appellant – representatives of the pupil

- Student, 15-year-old male in 9th grade
- Student's mother and brother
- Ana Baires Mira, Attorney with Legal Services for Children
- Rebecca Richardson, Legal Intern, with Legal Services for Children
- Abigail Trillin, Director of Legal Services for Children

Respondent – representatives of Benicia Unified School District (BUSD):

- Michael Gardner, Deputy Superintendent
- Brianna Kleinschmidt, Principal of Benicia High School
- Gregory Rolen, Attorney with Haight Brown & Bonesteel, LLP

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

Dr. Romualdi explained the hearing purpose, procedures, Board's limited scope of authority, and possible Board actions. Both parties were limited to 30 minutes each to state their cases, and the time may be split between opening and closing statements. Written arguments will be accepted. Members of the Board may ask questions, limited to the scope of the hearing, of any person appearing before the Board. Both parties and each Board Member received a record of the case for review in advance of the hearing.

VI. PRESENTATION OF CASE

- (a) Appellant or representative presentation

Ms. Baires Mira spoke in support of granting the appeal because the district did not follow the law or applicable timelines, the student's rights were violated, he did not receive a fair hearing before the Administrative Panel, the parent did not receive timely or complete notices of the hearing or the charges, there was a prejudicial abuse of discretion in the hearing, his offense was not an expellable offence, no other alternatives to expulsion were attempted, there were no secondary findings, there was unsubstantiated hearsay testimony, and the district was unable to provide the required accurate and complete record of the expulsion hearing.

- (b) Respondent presentation

Mr. Rolan addressed Appellant's opening statements, explained the impact the student's actions had on the school and district, asked the Board to consider the seriousness of the offense, and requested that the Board affirm the district's decision to expel.

Appellant, Respondent, and their representatives then answered questions from the Board.

Trustee Dean called for a brief recess at 8:55 PM. The meeting reconvened at 9:02 PM.

- (c) Appellant or representative closing remarks

Ms. Baires Mira made a closing statement summarizing and clarifying Appellant's case.

- (d) Respondent closing remarks

Mr. Rolan made a closing statement on behalf of the district and reiterated the district's position and legal reasons for its actions.

VII. HEARING CLOSSES – CLOSED SESSION DELIBERATIONS BEGIN

The hearing closed at 9:21 PM. Pursuant to EC §35146, the Board adjourned to closed session to deliberate the appeal.

VIII. RECONVENE IN OPEN SESSION

The Board reconvened at 10:28 PM.

Motion was made by Trustee Coleman, seconded by Trustee Cohen-Thompson, and carried by the following roll call vote of those present to remand the matter back to the Benicia Unified School District Governing Board pursuant to Education Code section 48923(b) and include the secondary findings required by Education Code section 48915. (AYES (6): Trustees Bates, Cohen-Thompson, Coleman, Ford, Cheek, Dean; NOES (1): Sharp; ABSTINCTIONS (0): None; ABSENCES (0): None)

IX. ADJOURNMENT

There being no further business, the hearing concluded and the meeting was adjourned at 10:34 PM.