

# SOLANO COUNTY BOARD OF EDUCATION

## MINUTES Special Meeting/Expulsion Appeal Hearing April 12, 2017

In accordance with Education Code (EC) sections 48919–48925, the Solano County Board of Education met on Wednesday, April 12, 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 7:35 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)  
Amy Sharp (Trustee Area 2)

#### Members Absent

Doug Ford (Trustee Area 6)

### III. APPROVAL AND ADOPTION OF AGENDA

Motion was made by Trustee Coleman, seconded by Trustee Cohen-Thompson, 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 7:40 PM.

Trustee Dean disclosed that she is a friend of Ms. Petty's; they socialize and were in a program together, but she stated that she will still be able to make an objective decision in this case. There were no objections.

Trustee Coleman disclosed that she has worked with Ms. Petty numerous times in court. There were no objections.

Trustee Sharp noted for the record that the transcript was scrambled and incomplete, the student's statement was unreadable, and there were items missing such as the statements of the mother and a witness.

- (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, 14-year-old male in 8<sup>th</sup> grade
- Student's mother and father
- Laura Petty, Attorney with Petty and Warshawsky

Respondent – representatives of Vacaville Unified School District (VUSD):

- Bill Ewing, Director of Student Services
- Adam Wight, Principal of Willis Jepson Middle School
- Kimberly Forrest, Associate Superintendent of Student Services
- Manuel Martinez, Attorney with Lozano Smith

- (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. Petty spoke in support of granting the appeal because the principal's investigation was incomplete, the student's behavior is a manifestation of his condition, behavioral intent was not established, there was not a fair hearing before the district's governing board because not all witnesses were made available for cross-examination, the district acted in excess of its jurisdiction, and there was a prejudicial abuse of discretion by the district in the hearing.

- (b) Respondent presentation

Mr. Martinez addressed Appellant's opening statement regarding the thoroughness of the investigation, and legal reasons some witnesses were not available. He stated that an expulsion appeal is not the appropriate forum to deal with manifestations. He encouraged the Board to consider the seriousness of the offense and requested that the Board affirm the district's decision to expel.

Mr. Martinez submitted a revised transcript at the hearing, but Appellant's attorney objected, and the Board did not have time to review it, so it was not considered part of the record.

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

- (c) Appellant or representative closing remarks

Ms. Petty made a closing statement stating that the district's decision should be reversed.

- (d) Respondent closing remarks

Mr. Martinez made a closing statement on behalf of the district, talked about the impact Appellant's actions had on other students, and reiterated the district's position and reasons for its actions.

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

The hearing closed at 8:50 PM. Pursuant to EC §35146, the Board adjourned to closed session to deliberate the appeal.

**VIII. RECONVENE IN OPEN SESSION**

The Board reconvened at 9:38 PM.

Motion was made by Trustee Coleman, seconded by Trustee Cohen-Thompson, and carried by the following roll call vote of those present to affirm the district's decision to expel based on the facts of the case as presented, pursuant to Education Code section 48923. *(AYES (3): Trustees Bates, Cohen-Thompson, Coleman; NOES (2): Trustees Sharp, Dean; ABSTINCTIONS (1): Trustee Cheek; ABSENCES (1): Trustee Ford)*

**IX. ADJOURNMENT**

There being no further business, the hearing concluded and the meeting was adjourned at 9:40 PM.