

SOLANO COUNTY BOARD OF EDUCATION

**MINUTES**  
**Special Meeting/Expulsion Appeal Hearing**  
**July 13, 2016**

In accordance with Education Code (EC) sections 48919–48925, the Solano County Board of Education met on Wednesday, July 13, 2016, 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 5:21 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)  
Raymond Silva (Trustee Area 2)

**III. APPROVAL AND ADOPTION OF AGENDA**

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

**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 5:23 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)

- Jay Speck, Solano County Superintendent of Schools and Secretary to the Board.
- Lisette Estrella-Henderson, Associate Superintendent of Student Programs and Educational Services, served as hearing facilitator.
- 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: The student is a 14-year-old male in 8<sup>th</sup> grade, who was present and represented by his father.

Respondent – representatives of Fairfield-Suisun Unified School District (FSUSD):

- Andrew Ownby, Executive Director of Pupil Services
- Liz Teresi, Coordinator of Student Services
- Anjam Khan, Assistant Principal of B. Gale Wilson Middle School
- Jan Tomsky, Partner with 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 explained the hearing purpose, procedures, Board's limited scope of authority, and possible actions that the Board may take. She stated that both parties were limited to 30 minutes each to state their cases, the time may be split however the party wishes between opening and closing statements, and written arguments were accepted. Members of the Board would have an opportunity to ask questions, limited to the scope of the hearing, of any person appearing before the Board. Both parties and each Board Member had received a record of the case in advance.

## VI. PRESENTATION OF CASE

- (a) Appellant or representative presentation

Appellant's father spoke in support of granting the appeal. His son has a 504 Plan, but it is not followed. He would like him to have an Individualized Education Program (IEP) because he believes his behavior is a manifestation of his disability, but the district denied an IEP after the results of an evaluation. He answered questions from the Board.

- (b) Respondent presentation

Ms. Tomsy stated the district's case including the various interventions tried in an effort to address the student's behavior. She and Mr. Khan answered questions from the Board.

- (c) Appellant or representative closing remarks

The student's father made a closing statement.

- (d) Respondent closing remarks

Ms. Tomsy made a closing statement on behalf of the district and asked that the Board not take the special education determination out of context, as it is only one piece of this case.

## VII. HEARING CLOSES – CLOSED SESSION DELIBERATIONS BEGIN

The hearing closed at 6:01 PM. Pursuant to EC §35146, the Board adjourned to closed session to deliberate the appeal.

## VIII. RECONVENE IN OPEN SESSION

The Board reconvened at 6:45 PM.

Motion was made by Trustee Coleman, seconded by Trustee Bates, and carried by the following roll call vote of those present to grant a hearing *de novo* based on relevant evidence that was improperly excluded by the district's administrative panel and governing board. (AYES (6): Trustees Bates, Coleman, Ford, Silva, Cheek, Dean; NOES (0): None; ABSTINCTIONS (1): Cohen-Thompson; ABSENCES (0): None)

All parties will be notified once the hearing *de novo* is scheduled.

## IX. ADJOURNMENT

There being no further business, the hearing concluded and the meeting was adjourned at 6:46 PM.

*Signature on File*

---

Jay Speck  
Secretary to the Solano County Board of Education