

SOLANO COUNTY BOARD OF EDUCATION

MINUTES
Special Meeting/Expulsion Appeal Hearing
August 10, 2016

In accordance with Education Code (EC) sections 48919–48925, the Solano County Board of Education met on Wednesday, August 10, 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 7:30 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 Ford, 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 5:35 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 16-year-old female in 10th grade, who was present and represented by her mother; Travis Silva, Esq., Equal Justice Works Fellow; and co-counsel Elisa Della-Piana, Esq., Lawyers' Committee for Civil Rights; and attorney Jennifer Raghavan.

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

- Angie Avlonitis, Director of Student Services
- Clarence Isadore, Principal of Rodriguez High School
- Andrew Ownby, Executive Director of Pupil Services
- Jan Tomsy, 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 of the Board. She stated that both parties were limited to 30 minutes each to state their cases, the time may be split between opening and closing statements, and 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 this hearing.

VI. PRESENTATION OF CASE

- (a) Appellant or representative presentation

Travis Silva spoke in support of granting the appeal because the district's findings were in error, the pupil had no prior history of discipline at school, no other interventions were tried before expulsion, and time and circumstances prevent completion of the reintegration plan mandated by the district in order for the pupil to return to school.

- (b) Respondent presentation

Ms. Tomsy stated the district's case including possession of a video showing what happened and that Appellant initiated the contact. The governing board's rehabilitation plan is what the Education Code orders: improved academic performance, counseling, community service, and other rehabilitative services. The Student Services Department works with the parents to ensure the student can meet the plan and provides information on low- or no-cost community services and programs. The Student Support Specialist at the court and community school is familiar with how to meet the terms of the student's rehabilitation plan, and the school offers programs such as anger management.

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

- (c) Appellant or representative closing remarks

Travis Silva made a closing statement that the student would rather attend school back in her district of residence than to be expelled and attend community school.

- (d) Respondent closing remarks

Ms. Tomsy made a closing statement on behalf of the district and noted that the school and district properly handled this matter.

VII. HEARING CLOSES – CLOSED SESSION DELIBERATIONS BEGIN

The hearing closed at 8:58 PM. Pursuant to EC §35146, the Board adjourned to closed session to deliberate the appeal.

VIII. RECONVENE IN OPEN SESSION

The Board reconvened at 9:45 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 and deny the appeal based on the evidence presented. (AYES (6): Trustees Bates, Cohen-Thompson, Coleman, Silva, Cheek, Dean; NOES (1): Ford; ABSTINCTIONS (0): None; ABSENCES (0): None)

IX. ADJOURNMENT

There being no further business, the hearing concluded and the meeting was adjourned at 9:47 PM.

Signature on File

Jay Speck
Secretary to the Solano County Board of Education