

SOLANO COUNTY BOARD OF EDUCATION

MINUTES
Special Meeting/Interdistrict Attendance Appeal Hearing
September 14, 2016

In accordance with Education Code sections 46601–46603, the Solano County Board of Education met on Wednesday, September 14, 2016, in a *Closed Hearing* to act as an appeals board to review two interdistrict attendance appeals for siblings who want to attend schools outside their district of residence.

I. CALL TO ORDER

Board President Dana Dean called the meeting to order at 7:40 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)

Members Absent

Ray Silva (Trustee Area 2)

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

III. APPROVAL AND ADOPTION OF AGENDA

Motion was made by Trustee Bates, seconded by Trustee Cheek, 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 7:42 PM.

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

Solano County Office of Education (SCOE) staff:

- 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.

The Board Members introduced themselves.

Appellant: Both students were represented by their father.

- Student A is a 13-year-old male in 8th grade who was not present.
- Student B is an 11-year-old female in 5th grade who was not present.

Respondent – representatives of Vallejo City Unified School District (VCUSD):

- Phillip Shelley, Director of School Management & Support
- Karen James, Director School and Student Accountability
- Heather Topacio, Principal of Dan Mini Elementary School

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

Mrs. Estrella-Henderson stated that the expulsion appeal was being held as a closed hearing. She summarized the case and explained the hearing process, Board's limited authority, and possible actions the Board may take. All parties present had received a record of the case in advance.

She reviewed the agenda and order of presentations. The Appellant and Respondent were each given a total of 10 minutes, which can be split between their opening and closing statements. The Board may ask the presenters questions, which shall be limited to the scope of the hearing. Only the Board will vote at the conclusion of the hearing; staff members do not vote on the matter.

VI. PRESENTATION OF CASE

- (a) Opening statement by Appellant

Appellant's father spoke in support of granting the appeal to allow the student to attend school outside of the district of residence (VCUSD) because VCUSD does not offer the advanced and elective classes his children want and need to take to maintain their academic standards; the facilities in Napa are more modern, in better repair, and have state-of-the-art security systems on campus; Napa offers a Saturday program to help students catch up after absences; his children need access to an after-school program; VCUSD's school ratings in English and math proficiency are not as good as Napa's; and Napa needs a greater racial mix of students. He answered questions from the Board and stated he has not considered any other VCUSD schools because they are further away from the family's home than the schools in American Canyon.

When asked whether the children had been accepted by Napa, Mrs. Estrella-Henderson stated that districts cannot accept students until they have been released by their district of residence. The school district in American Canyon was invited to attend this hearing, but they sent a letter instead stating that the schools there were currently impacted and not accepting new transfer students.

- (b) Opening statement by representative(s) from District of Residence and District of Proposed Attendance, when applicable

Mr. Shelley showed a PowerPoint to address the issues brought up by the parent, including security, and distributed information about the district's elementary and middle school class offerings as well as the science, technology, engineering, arts, and math (STEAM) program and Pipeline to Prosperity program. He reviewed the district's policy on interdistrict transfers and pointed out that it is the same as Napa's and all other districts in Solano County. He provided statistics on the ethnic diversity in both VCUSD and Napa and showed a video about growing graduation rates due to small learning environments.

Ms. James talked about opportunities in VCUSD, such as award-winning bands, grants for safety and help with homework, and theme schools that focus on particular interests and career preparation.

Ms. Topacio addressed the facilities issues, talked about the free ACES after-school program, and spoke of free Sylvan tutoring and choral programs starting soon.

Both spoke in support of affirming the district's decision to deny the Appellant's request. The VCUSD representatives answered questions from the Board.

Since the Respondents went over their allotted time, the Appellants were given an equal amount of additional time to present their case.

- (c) Closing remarks by Appellant

The Appellants' representative made a closing statement.

- (d) Closing remarks by representative(s) from District of Residence and District of Proposed Attendance, when applicable

Mr. Shelley made a closing statement on behalf of the district and invited the family to visit any of VCUSD's schools. He stated that VCUSD can accommodate both of the children.

VII. HEARING CLOSSES – CLOSED SESSION DELIBERATIONS BEGIN

The hearing closed at 8:30 PM. Pursuant to Education Code §35146, the members of the Board adjourned to closed session to deliberate the appeal.

VIII. RECONVENE IN OPEN SESSION

The Board reconvened at 8:47 PM.

Student A: Motion was made by Trustee Coleman, seconded by Trustee Cheek, and carried by the following roll call vote of those present to affirm the district governing board's decision and deny the appeal based on the facts of the case and evidence presented. (AYES (4): Trustees Cohen-Thompson, Coleman, Cheek, Dean; NOES (1): Trustee Ford; ABSTINTIONS (1): Trustee Bates; ABSENCES (1): Trustee Silva)

Student B: 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 governing board's decision and deny the appeal based on the facts of the case and evidence presented. (AYES (4): Trustees Cohen-Thompson, Coleman, Cheek, Dean; NOES (1): Trustee Ford; ABSTINTIONS (1): Trustee Bates; ABSENCES (1): Trustee Silva)

IX. ADJOURNMENT

There being no further business, the hearing concluded and the meeting was adjourned at 8:50 PM.

Signature on File

Jay Speck
Secretary to the Solano County Board of Education