

SOLANO COUNTY BOARD OF EDUCATION

MINUTES

**Special Meeting/Interdistrict Attendance Appeal Hearing
February 14, 2018**

In accordance with Education Code sections 46601–46603, the Solano County Board of Education met on Wednesday, February 14, 2018, in a *Closed Hearing* to act as an appeals board to review an interdistrict attendance appeal.

I. CALL TO ORDER

Board President Dana Dean called the meeting to order at 7:34 PM.

II. ROLL CALL

Members Present

Elease Cheek, President (Trustee Area 5)
Peggy Cohen-Thompson, Vice President (Trustee Area 7)
Mayrene Bates (Trustee Area 4)
Michelle Coleman (Trustee Area 1)
Dana Dean (Trustee Area 3)
Doug Ford (Trustee Area 6)
Amy Sharp (Trustee Area 2)

Trustee Cheek welcomed those in attendance and noted that a quorum was present as was Solano County Superintendent of Schools Lisette Estrella-Henderson, serving as Secretary to the Board.

III. APPROVAL AND ADOPTION OF AGENDA

Motion was made by Trustee Dean, seconded by Trustee Cohen-Thompson, 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 7:35 PM.

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

The Board Members introduced themselves.

Solano County Office of Education (SCOE) staff:

- Victor Romualdi, Assistant Superintendent of Student Programs, served as hearing facilitator.
- Andrea Lemos, Assistant Superintendent of Educational Services and Special Education, served as timekeeper.

Solano County: Dan Wolk, Deputy County Counsel

Appellant:

- Student, 14-year-old female in 9th grade
- Student's mother
- Carol Gonsalves, Independent Child Advocate

Respondent – representatives of Benicia Unified School District (BUSD): Dr. Carolyn Patton, Director of Special Services

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

Dr. Romualdi stated that the expulsion appeal was being held as a closed hearing, and all parties had received a record of the case in advance of the hearing. He explained the hearing process, Board's limited authority, and action the Board may take.

He reviewed the meeting agenda and order of presentations. The Appellant and Respondent each received 10 minutes in which to state their case, and the time could be split between the opening statement and closing remarks. Only the Board members vote in appeal cases; neither the County Superintendent nor SCOE staff members vote on the matter.

VI. PRESENTATION OF CASE

- (a) Opening statement by Appellant

Appellant read a brief statement about her reasons for wanting to transfer from her district of residence (Fairfield-Suisun Unified School District, FSUSD) to BUSD, and then she left the hearing. The Appellant's mother spoke in support of granting the appeal, which was approved by FSUSD but denied by the desired district of attendance (BUSD). Her reasons for wanting her daughter to attend school in BUSD include avoidance of being bullied, socialization with peers that she does not currently receive through FSUSD's independent study program, and a school mix-up that placed her daughter and the bully in a class together.

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

Dr. Patton spoke in support of affirming the district's decision to deny the Appellant's request because the district has impacted class sizes. Thirteen other students in 9th grade, some also with safety issues, are on a waiting list. Adding students to already full classes is against the teachers' contracts and will lead to grievances being filed by the teachers' union. There is not enough space in the required 9th-grade core classes. This situation may change in the next school year, and the district would consider admitting the student for 10th grade. By law, districts are required to serve resident students but not transfer students.

The Board was given an opportunity to ask questions of the presenters.

- (c) Closing remarks by Appellant

Appellant's mother made a brief closing statement.

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

Dr. Patton made a closing statement on behalf of the district.

VII. HEARING CLOSSES – CLOSED SESSION DELIBERATIONS BEGIN

The hearing closed at 8:05 PM. Pursuant to Education Code §35146, the Board adjourned to closed session to deliberate the appeal.

VIII. RECONVENE IN OPEN SESSION

The Board reconvened at 8:15 PM.

Motion was made by Trustee Dean, seconded by Trustee Coleman, and carried by the following roll call vote to grant the appeal based on the facts of the case and evidence presented. *[AYES (6): Trustees Bates, Coleman, Dean, Sharp, Cohen-Thompson, Cheek; NOES (0): None; ABSTINTIONS (1): Trustee Ford; ABSENCES (0): None]*

IX. ADJOURNMENT

There being no further business, the hearing concluded and the meeting was adjourned at 8:17 PM.

Signature on File

Lisette Estrella-Henderson
Secretary to the Solano County Board of Education