

SOLANO COUNTY BOARD OF EDUCATION

MINUTES
Special Meeting/Interdistrict Attendance Appeal Hearing
August 23, 2017

In accordance with Education Code sections 46601–46603, the Solano County Board of Education met on Wednesday, August 23, 2017, 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 6:05 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)
Amy Sharp (Trustee Area 2)

Trustee Dean 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 Coleman, 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 6:08 PM.

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

Solano County Office of Education (SCOE) staff:

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

The Board Members introduced themselves.

Appellant: The student is a 5-year-old female entering kindergarten. She was not present but was represented by her mother.

Respondent – representatives of Benicia Unified School District (BUSD):

- Dr. Carolyn Patton, Director of Special Services
- Dr. Khushwinder Gill, Assistant Superintendent of Human Resources

- (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 a record of the case had been distributed to all parties in advance of the hearing. He explained the hearing process, Board's limited authority, and possible Board actions.

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

VI. PRESENTATION OF CASE

(a) Opening statement by Appellant

Appellant's mother spoke in support of granting the appeal, which was approved by the student's district of residence (Vallejo City Unified School District) but denied by the desired district of attendance (BUSD). She cited her reasons for wanting her daughter to go to school in BUSD as: she attended preschool in BUSD last year, her son's interdistrict transfer was approved to attend school in BUSD in the coming year, the mother works in BUSD, and the family previously lived in BUSD and plans to move back there again.

(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 based on the district's lack of speech therapists and their existing caseloads. The district would normally approve such a transfer except for the need to provide speech services to the Appellant. BUSD cannot ask the parent to pay for independent services or waive services completely, is unable to currently provide speech services to its own resident students, and is actively seeking a speech pathologist to provide additional services.

The Appellant's mother, Dr. Patton, and Dr. Gill then answered questions from the Board. There was discussion about the possibility of VCUSD providing speech services to the Appellant and the complicating factor that VCUSD has its own Special Education Local Plan Area (SELPA), which is different than BUSD's SELPA.

(c) Closing remarks by Appellant

Appellant's mother had no closing statement.

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

Dr. Patton had nothing further to present on the district's behalf.

VII. HEARING CLOSES – CLOSED SESSION DELIBERATIONS BEGIN

The hearing closed at 6:41 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 7:01 PM.

Motion was made by Trustee Cheek, 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, Cohen-Thompson, Coleman, Ford, Cheek, Dean; NOES (1): Trustee Sharp; ABSTINTIONS (0): None; ABSENCES (0): None]

IX. ADJOURNMENT

There being no further business, the hearing concluded and the meeting was adjourned at 7:02 PM.

Signature on File

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