

SOLANO COUNTY BOARD OF EDUCATION

MINUTES

**Special Meeting/Interdistrict Attendance Appeal Hearing
September 12, 2018**

In accordance with Education Code sections 46601–46603, the Solano County Board of Education met on Wednesday, September 12, 2018, in a *Closed Hearing* to act as an appeals board to review an interdistrict attendance appeal for a student who wanted to attend school outside their district of residence.

I. CALL TO ORDER

Board President Elise Cheek called the meeting to order at 5:03 PM.

II. ROLL CALL

Elise Cheek, President (Trustee Area 5)
Peggy Cohen-Thompson, Vice President (Trustee Area 7)
Mayrene Bates (Trustee Area 4)
Michelle Coleman (Trustee Area 1) (*arrived 5:04 PM*)
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 5:05 PM.

- (a) Introduction of Appellant, District representatives, Solano County Office of Education (SCOE) staff, legal counsel, and others present

The Board Members introduced themselves.

SCOE staff:

- Dr. Victor Romualdi, Assistant Superintendent of Student Programs, served as hearing facilitator.
- Dr. Andrea Lemos, Assistant Superintendent of Educational Services and Special Education, served as timekeeper.
- Andrew Ownby, Assistant Superintendent of the Special Education Local Plan Area (SELPA), provided technical assistance in the area of special education.

Appellant:

- Student, 12-year-old male in 7th grade
- Student's mother

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

- Liz Teresi, Assistant Director of Student Services

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

Dr. Romualdi explained that the appeal was being held as a closed hearing, and he described the hearing process, Board's authority, and possible actions the Board may take. The student's transfer request was

approved by his district of residence, Vacaville Unified School District (VUSD), but denied by the desired district of attendance, Fairfield-Suisun Unified School District (FSUSD) where he attended school during 1st through 6th grades.

Dr. Romualdi reviewed the order of presentations and stated that the Appellant and District Representatives each had 10 minutes in which to state their case. The time could be split between the opening statement and closing remarks. Members of the Board may ask questions, limited to the scope of the hearing, of any person appearing before the Board.

Only the Board members would vote on the appeal, but SCOE staff members would not vote on the matter.

VI. PRESENTATION OF CASE

(a) Opening statement by Appellant

Appellant's mother explained her reasons for wanting her son to continue attending school in FSUSD including special programs not available in VUSD, his familiarity with other students and service providers, difficulties with transitions and transportation, and daycare provider who lives in Fairfield.

Mr. Ownby commented on the practice of SELPA placements across districts, when necessary, and the laws regarding providing transportation.

The mother answered questions from the Board.

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

Ms. Teresi presented a PowerPoint of the student's background while attending in FSUSD, the district's responses to the family's reasons for requesting a transfer, the policies of FSUSD and the Board pertaining to interdistrict transfers, and lack of space in the requested program and school.

Ms. Teresi answered questions from the Board.

(c) Closing remarks by Appellant

Appellant's mother spoke in support of granting the appeal.

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

Ms. Teresi spoke in support of denying the appeal.

VII. HEARING CLOSES – CLOSED SESSION DELIBERATIONS BEGIN

Pursuant to Board Policy 9000.21(II)(C), Education Code §§49073 et seq., 20 U.S.C. §1232g, and 34 C.F.R. Part 99 (FERPA), the Board adjourned to closed session to deliberate the appeal.

VIII. RECONVENE IN OPEN SESSION

The Board reconvened at 5:50 PM.

Motion was made by Trustee Sharp, seconded by Trustee Coleman, and carried by the following roll call vote of those present to grant the appeal based on the facts of the case and evidence presented. (AYES (5): Trustees Coleman, Dean, Ford, Sharp, Cheek; NOES (1): Trustee Bates; ABSTAIN (1): Trustee Cohen-Thompson; ABSENT (0): None)

IX. ADJOURNMENT

There being no further business, the hearing concluded, and the meeting adjourned at 6:01 PM.