

SOLANO COUNTY BOARD OF EDUCATION

MINUTES
Special Meeting/Interdistrict Attendance Appeal Hearing
December 12, 2018

In accordance with Education Code sections 46601–46603, the Solano County Board of Education met on Wednesday, December 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 7:33 PM.

II. ROLL CALL

Elise Cheek, President (Trustee Area 5)
Peggy Cohen-Thompson, Vice President (Trustee Area 7)
Michelle Coleman (Trustee Area 1)
Dana Dean (Trustee Area 3)
Ginger Dunne (Trustee Area 6)
Teresa Lavell (Trustee Area 4)
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 Coleman, seconded by Trustee Sharp, 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.

Dr. Victor Romualdi, Assistant Superintendent of Student Programs, served as hearing facilitator. He shared with the Board a legal opinion regarding a procedural matter. Since this appeal was submitted past the 30-day timeline stated in both Education Code and Board Policy, legal counsel advised a two-step process: (1) Move to decide whether to accept the process of allowing the Appellant and Respondent to state their reasons why the appeal should or should not be heard, and (2) Take action to decide whether to hear or not hear the appeal based on those reasons. Discussion and clarification followed.

Motion was made by Trustee Coleman, seconded by Trustee Sharp, and carried by a unanimous roll call vote of those present to accept the two-step process recommended by legal counsel.

Those present introduced themselves.

Solano County Office of Education (SCOE) staff:

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

Appellant:

- Student's mother

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

- Diane Marshall-Freeman, Fagen Friedman & Fulfrost, LLP
- Dr. Ramon Cusi, Principal of Jesse Bethel High School

President Cheek gave the Appellant and Respondent three minutes each to state why the Board should or should not hear the appeal.

Appellant's mother spoke in favor of hearing the appeal and explained the reasons she filed the appeal more than 30 days after VCUSD's denial to permit a transfer of her 15-year-old daughter in 10th grade to attend school in another district.

Ms. Marshall-Freeman, representing the Respondent, distributed a brief containing VCUSD's reasons that the appeal should not be heard and talked about other options that the parent may take for the student.

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 at 7:53 PM to deliberate the matter.

~~V. CLOSED HEARING OPENS~~

~~VI. PRESENTATION OF CASE~~

~~VII. HEARING CLOSES — CLOSED SESSION DELIBERATIONS BEGIN~~

VIII. RECONVENE IN OPEN SESSION

The meeting reconvened at 8:09 PM.

Motion was made by Trustee Coleman, seconded by Trustee Cohen-Thompson, and carried by the following roll call vote of those present to deny hearing the appeal because it was filed outside the 30-day timeline. (AYES (4): Trustees Coleman, Lavell, Cohen-Thompson, Cheek; NOES (3): Trustees Dean, Dunne, Sharp; ABSTAIN (0): None; ABSENT (0): None)

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 PM.