

SAN DIEGO COUNTY BOARD OF EDUCATION
Minutes of the Special Board Meeting, Expulsion Appeal Hearing
May 26, 2016, 5:30 PM
Jack Port Board Room 508
6401 Linda Vista Road, San Diego, CA 92111

1. OPENING PROVISIONS

a. Call to Order and Roll Call

Minutes:

A quorum was present for the conduct of business.

President Robinson called the public meeting to order at 5:30 p.m.

Members Present: Anderson, Gonzalez, Muñoz, Robinson, Shea

Members Absent: None

Acting Secretary: Dr. Randolph Ward, County Superintendent of Schools

Recording Secretary: Gomez

b. Pledge of Allegiance to the Flag

2. COMMENTS FROM THE PUBLIC

Minutes:

There was no public comment.

3. EXPULSION APPEAL HEARING #1-2015-16

Minutes:

Present: Parent of Appellant, Kevin Washington; Michael Wolfsohn Esq., Counsel for San Ysidro School District; Amy Hunt, Executive Director, Human Resources and Pupil Services, San Ysidro School District; Nora Glasco, Coordinator, Child Welfare, Attendance & Family Services, San Ysidro School District; Randolph Ward, County Superintendent of Schools, San Diego County Office of Education; Tim Glover, Assistant Superintendent, Student Services & Programs Division, San Diego County Office of Education; Donald Buchheit, Senior Director, Student Support Services, San Diego County Office of Education; Bob Mueller, Director, Student Support Services, San Diego County Office of Education; and Jonathan Pearl, Esq., Counsel for the San Diego County Board of Education.

At the request of the parent, a public meeting to consider an expulsion appeal of a pupil in accordance with Education code section 48920 was conducted. At the conclusion of testimony, President Robinson declared the hearing ended and the Board members adjourned to the Superintendent's office for deliberations.

4. ADJOURN TO CLOSED SESSION FOR BOARD DELIBERATIONS

5. RECONVENE OPEN SESSION - ACTION

Minutes:

The Board reconvened in open session to announce its decision.

Upon motion by Member Shea, seconded by Member Anderson, in the matter of Expulsion Appeal #1, 2015-2016, the San Diego County Board of Education finds as follows:

1. Based on the record in this matter, with respect to the charged violation of Education Code section 48915(c)(1) (possession of a firearm at school), Appellant has **not** met its burden to prove:
 - a. That the governing board acted without or in excess of its jurisdiction;
 - b. That the hearing before the District's governing board was not fair;
 - c. That there was a prejudicial abuse of discretion during the hearing; or,
 - d. That there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board.

Therefore, the decision of the Governing Board of the San Ysidro School District to expel Appellant is **affirmed** with regard to the charged violation of Education Code section 48915(c)(1).

2. However, with respect to the charged violations of Education Code section 48900, subdivisions (j) and (k), the decision of the Governing Board of the San Ysidro School District is **reversed**. The Governing Board acted without or in excess of its jurisdiction with respect to subdivision (k) and there is insufficient evidence in the record to support either required secondary finding with respect to subdivision (j).

The County Board directs the Governing Board to expunge the record of the pupil and the records of the District of any reference to expulsion relative to Education Code section 48900 subdivisions (j) and (k).

The expulsion decision is affirmed relative to Education Code section 48915, subdivision (c) (1): Possession of a firearm or other dangerous object of no reasonable use to the pupil at school.

The motion passed by the following (3-2) vote:

YES: GONZALEZ, ANDERSON, SHEA

NO: MUNOZ, ROBINSON

ABSTAIN: None

ABSENT: None

6. ADJOURNMENT

Minutes:

The meeting was adjourned at 7:15 p.m.