

# **SAN DIEGO COUNTY BOARD OF EDUCATION**

## **Minutes of the Special Meeting, Expulsion Appeal Hearing April 11, 2018, 3:30 p.m.**

San Diego County Office of Education  
Jack Port Board Room #508  
6401 Linda Vista Road, San Diego, California 92111

### **1. OPENING PROVISIONS**

1.a. Call to Order – 3:30 p.m.

Members Present: Donnellon, González, Muñoz, Powell, Shea  
Secretary: Gothold, County Superintendent of Schools  
Recording Secretary: Aguilar

1.b. Pledge of Allegiance

1.c. Approval of Agenda

MSC (Muñoz/Shea) to approve the agenda. Motion passed by unanimous vote (5-0).

1.d. Public Comments on Agenda

No public comments.

### **2. ADJOURN TO CLOSED SESSION PURSUANT TO EDUCATION CODE SECTION 35146 TO CONDUCT EXPULSION APPEAL HEARING**

2.a. Expulsion Appeal #1-2017-18

Present:

Appellant's parents

Dr. Rob Nye, Assistant Superintendent, Carlsbad Unified School District

Mr. Tim Evanson, Director, Carlsbad Unified School District

Mr. Jonathan Pearl, Esq., Counsel for San Diego County Board of Education

Mr. Donald Buchheit, Assistant Superintendent, San Diego County Office of Education

Mr. Bob Mueller, Executive Director, San Diego County Office of Education

Ms. Barbara Higgins, Director, San Diego County Office of Education

Mr. Marco Gonzalez, Admin. Asst., San Diego County Office of Education

A closed hearing to consider an expulsion appeal of a pupil in accordance with Education code section 35146 was conducted. At the conclusion of testimony, President González declared the hearing ended and the board members adjourned for deliberations.

### **3. ADJOURN FOR DELIBERATIONS**

#### 4. RECONVENE OPEN SESSION – ACTION

The Board reconvened in open session to announce the action.

MSC (Powell/Muñoz) in the matter of Expulsion Appeal #1, 2017-18, the County Board of Education finds as follows:

Based on the record in this case, with respect to the charged violation of Education Code section 48900.4 (harassment, threats and intimidation) and 48900.7 (terroristic threats),

- a. The hearing before the governing board was not fair, and
- b. There was a prejudicial abuse of discretion in the hearing because the decision to expel is not supported by the findings prescribed by Education Code section 48915, and the findings of a terroristic threat are not supported by the evidence.

Therefore, the decision of the Governing Board of the Carlsbad Unified School District to expel Appellant is **reversed** with regard to the charged violations of Education Code section 48900.4 and 48900.7.

The County Board directs the Governing Board to expunge the record of the pupil and the records of the District of any reference to the expulsion.

The motion passed by unanimous vote (5-0).

#### 5. ADJOURNMENT

The meeting adjourned at 4:45 p.m.