

SAN DIEGO COUNTY BOARD OF EDUCATION

Minutes of the Special Meeting, Expulsion Appeal Hearing May 31, 2018, 2:30 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 at 2:41 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 #2-2017-18

Present:

Appellant, appellant's parents and sister

Mr. Curtis Davis, Advocate for Children and Education

Mr. Rick Ayala, Director, San Dieguito Union High School District

Mr. Art Palkowitz, Esq., Counsel for San Dieguito Union High School District

Ms. Dina Harris, Esq., Counsel for San Diego County Board 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 (Donnellon/González) in the matter of Expulsion Appeal #2, 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 48900.7 (terroristic threats),

- a. 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 San Dieguito Union High School District to expel Appellant is **reversed** with regard to the charged violation of Education Code section 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 with a 3-2 vote as following:

YES: Donnellon, González, Powell; NO: Muñoz, Shea

5. ADJOURNMENT

The meeting adjourned at 4:25 p.m.