

SAN DIEGO COUNTY BOARD OF EDUCATION

**Minutes of the Special Meeting, Expulsion Appeal Hearing
June 15, 2018, 10:30 a.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 10:30 a.m.

Members Present: Donnellon, Muñoz, Powell, Shea
Absent: González
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 of members present (4-0).

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 #3-2017-18

Present:

Appellant, appellant's parent
Mr. Curtis Davis, Advocates for Children and Education
Ms. Yarazel Mejorado, Advocates for Children and Education
Mr. Rich Watkins, Director, Escondido Union High School District
Mr. Clifford Weiler, Esq., Counsel for Escondido Union High School District
Ms. Monica Ventura, Interpreter, San Diego County Office of Education
Mr. Jonathan Pearl, 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, Vice-President Donnellon 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 (Muñoz/Shea) in the matter of Expulsion Appeal #3, 2017-18, the County Board of Education finds as follows:

Based on the record in this case, with respect to the charged violations of Education Code sections 48900 (a)(1), 48900 (a)(2), 48900 (n), 48900.2, 48915 (b)(1), 48915 (b)(2) and 48915 (c)(4),

1. Based on the record in this matter, 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.
2. Based on the record in this matter, the decision of the Governing Board of the Escondido Union High School District to expel Appellant is affirmed.

The motion passed by the following (4-0-0-1) vote:

YES: Donnellon, Muñoz, Powell, Shea
NO: None
ABSTAIN: None
ABSENT: González

5. ADJOURNMENT

The meeting adjourned at 11:37 a.m.