

SAN DIEGO COUNTY BOARD OF EDUCATION

Minutes of the Special Meeting, Expulsion Appeal Hearing Aug. 29, 2018, 10 a.m.

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

1. OPENING PROVISIONS

- 1.a. Call to order at 10 a.m. by presiding Board member Shea

Members present: Muñoz, Powell, Shea
Members absent: Donnellon, 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 (3-0).

2. PUBLIC COMMENTS ON AGENDA ITEMS

No public comments.

3. ADJOURN TO CLOSED SESSION TO CONDUCT EXPULSION APPEAL HEARING

3.a. Expulsion Appeal #4-2017-18

Present:

Mr. Jose Elguera, appellant's parent
Mr. David S. Bristol, Counsel for appellant
Mr. Craig Wiblemo, Director, Vista Unified School District
Mr. Jonathan Salt, Counsel for Vista Unified School District
Ms. Adrienne Konigar-Macklin, General Counsel
Ms. Sarah L.W. Sutherland, Counsel for San Diego County Board of Education
Dr. Rebecca Mendiola, 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

- 3.a.1.** A closed hearing to consider preliminary issue of transcript unavailability, and whether the record that exists is sufficient to determine the expulsion appeal on its merits was conducted. At the conclusion of testimony, the board members adjourned for deliberations.

The Board reconvened in open session to announce the action:

Upon motion by Alicia Muñoz, seconded by Mark Powell, the San Diego County Board of Education unanimously voted by members present (3-0) that the transcript was not missing for unavoidable but justifiable reasons and proceeded to the hearing on the merits.

- 3.a.2.** 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, the board members adjourned for deliberations.

The Board reconvened in open session to announce the action:

Upon motion by Alicia Muñoz, seconded by Mark Powell, the San Diego County Board of Education unanimously voted by members present (3-0) to reverse Vista Unified School District's order of expulsion and expunge the record of the expulsion.

Based on the findings in this case, with respect to the charged violation of Education Code section 48900.7 (terroristic threats), Vista Unified School District Governing Board acted without or in excess of its jurisdiction, did not provide the Student with a fair hearing, and there was a prejudicial abuse of discretion requiring reversal of its decision and expungement of the records pursuant to Education Code section 48923.

4. ADJOURNMENT

The meeting adjourned at 12:20 p.m.