

Journey School
A California Public Charter School

February 12, 2015
SPECIAL MEETING MINUTES
Approved May 28, 2015

6:00 p.m.

At Journey School
27102 Foxborough
Aliso Viejo, CA 92656
In the Journey School Office
(949) 448-7232
www.journeyschool.net

Michael Corbo, Council President: Present
Sue Vaughn, Council Vice-President: Present
Warren Whiteaker, Council Treasurer: Present, Arrived at 7:17 pm.
Susan Toma-Berge, Council Secretary: Present, Arrived at 7:12 pm.
Jon Kaplan, Council Member: Present
Kara McCann, Council Member: Present, Arrived at 7:10 pm.
Lisa O'Neill, Parent Cabinet Member: Present
Jill Murphy, Educational Trustee Member: Present

Administrative staff were present as follows: Shaheer Faltas, Gavin Keller, Franci Sassin
Council legal representation: Hollis Peterson
Legal counsel for family of student in question: Matthew Wallin

AGENDA ITEM	
1	<i>Call to Order, Roll Call and Review of Norms/Roles</i> The meeting was called to order at 6:31 pm. Mike Corbo read the board policy statement regarding public comment and the reviewed the protocols of the meeting.
2	<i>Inspirational Passage</i> Mike read a quote by Martin Luther King on conscience.

3	<p>Approval of Agenda*</p> <p>NOTE: The order of the agenda may be changed without prior notice to the public. Motion to approve the agenda which was seconded and approved unanimously.</p>
4	<p>DISCUSSION/ACTION ITEMS:</p> <p>A. Administrative Panel for Expulsion Hearing*: <i>As per the Board policy regarding student expulsions, consideration if Board should appoint a panel for the expulsion hearing.</i></p> <p>Mike Corbo stated that given the time constraints leading up to the hearing, and the policy regarding who may be seated on the panel, Administration was not able to put together a panel to be able to hear the expulsion item, 4B.</p> <p>There was a motion to have Council hear the Expulsion Hearing and to proceed without an Administrative panel. The motion was seconded and approved unanimously.</p> <p>B. Expulsion Hearing: <i>If the Council is selected as the hearing body the hearing will now convene. If an Administrative Hearing Panel is appointed, the hearing will convene immediately in a separate location.</i></p> <p>PUBLIC COMMENT: The Council had 11 speaker cards with requests to speak on this item and members of the public each spoke for up to 3 minutes. Multiple speakers, including Journey parents, staff members and friends of the family spoke on behalf of Student.</p> <p>Several members of the community who spoke also submitted letters to the Council.</p> <p>Mike Corbo read a letter submitted as part of public comment from five Journey School students in the 7th grade class.</p> <p>ADMINISTRATIVE FINDINGS: Following public comment the expulsion hearing began, with Journey School presenting first. Board legal counsel Hollis Peterson called two witnesses who were also each subsequently questioned by legal counsel for the student, Mr. Wallin:</p> <p>Witness #1: Gavin Keller</p> <p>Gavin Keller reported how and when he became aware of the incident wherein Student gave cookies to her substitute teacher that she had made, as a feigned apology for misbehaving the day before, which contained laxatives and perhaps other medications as well. The substitute teacher had taken away Student’s cell phone in class the day before, and Student has been upset with her over it. Mr. Keller described his investigation. The substitute teacher turned over the cookies that were not eaten by her family and Mr. Keller still had those. Mr. Keller requested a formal statement from the substitute teacher which she provided. He then interviewed the student; Mr. Faltas also participated in the interview. When the student admitted that she has put something in the cookies, the parents were called and came to campus. Mr. Keller discussed the initiation of a 5-day suspension at that time with a possible</p>

recommendation for expulsion. He interviewed 3 additional students and their parents. On the following Wednesday, a decision was made to recommend expulsion based on the student's intent, dishonesty, and the possible safety issues involved, since the teacher had told Student that she was going to give the cookies to her children. It was noted that the student wrote a letter of apology to the school.

Counsel for Student asked if Mr. Keller understood based on the School Handbook what the criteria were to extend a suspension, including the Student being disruptive. He asked about the circumstances of the interview with Student initially and if the parents had volunteered the text messages from Student's phone.

[NOTE: During Gavin Keller's testimony several Board members arrived late to the meeting.]

Witness #2: Shaheer Faltas

Shaheer Faltas reported how and when he became aware of the incident and how he participated in the interview with Student. He interviewed the teacher who was given the cookies, as well as the regular classroom teacher for that class. He addressed the factors that weighed into the decision to make a recommendation for expulsion, including the amount of time between Student leaving school after her teacher took away her cell phone, and her baking the batch of cookies, and then delivering the batch of cookies the following day. Mr. Faltas discussed that Student had initiated the idea herself and was not pressured into taking the action by anyone, even though she had interfaced with some of her peers and disclosed what she was doing.

Mr. Faltas reported that Student told both her mother and the teacher that she was giving her the cookies in order to apologize for the previous day's incident over her cell phone. Mr. Faltas stated that Student knew that the teacher was going to give those cookies to her children and family members. The family did experience illness as a result. The husband of the teacher also submitted a declaration regarding the incident.

Mr. Wallin asked if Mr. Faltas was the person who chose the section of the policy regarding why the expulsion was chosen as a disciplinary action, and also asked if this section was a discretionary reason for expulsion. Mr. Wallin asked if Mr. Faltas had personal knowledge that illness or injury had actually taken place.

STUDENT DEFENSE:

At 7:30 pm, Matthew Wallin, legal counsel for the student presented Student's side and called two witnesses, who were also each subsequently available for any questions by legal counsel for the school.

Witness #1: Student

Student was asked if she thought this was a prank and she said yes. She didn't realize it would turn into this situation. She stated that she is very sorry and wished she didn't do it. She stated that she thought of it as a prank and not that it would hurt anyone. She found that her friends were supportive of her doing it and that they were also present when the cookies were given to

the teacher and when the teacher said she would share them with her children. She loves school and was welcomed by the community and class. She has been thinking of all the ways she could make up for her actions, and is willing to do anything to make up for this. She was asked if the school had offered her counseling and said some had been offered. The student stated that she wrote an apology note to both the school and the teacher.

Journey School legal counsel did not have any questions for Student.

Witness #2: Mother of Student

Mother spoke and wanted to address some of the testimony. She commented on the amount of the laxative tablets that were added to the batch of cookies relative to the normal adult dose. She also commented on the high safety margin of the product used, and that it is not, in her opinion, a “drug”. She noted that she had shown school Administration the text messages and the photos from the student’s phone voluntarily and in order to support the process. Mother commented on how Student had fit in to the class when she came to the school this year, and how difficult it was for her to reverse course. Mother conveyed how sorry their family is to the teacher. The student did not intend anyone to get hurt. She had seen her mother use this product on a young child. The products are advertised as “safe”. The student did not think her actions through and is truly remorseful. She has learned a lot over the past weeks. The student has written letters of apology and is willing to do community service, and has done a report on peer pressure. Mother knows that her daughter can learn in a positive way from the experience and that expulsion would not have any positive effect. Mother stated that the 3 week suspension of the student has been a significant punishment. She really wants to return and is willing to own up to what she did and wants to regain trust rather than walking away. The other students can also benefit, especially if they see that there is compassion. The family has engaged in counseling and will continue with that but that the Journey School community would be the best community to help guide her.

Journey School legal counsel did not have any questions for Mother.

Mr. Wallin, legal counsel for the student, prepared a packet of documents for the Board, and noted the potential repercussions of expulsion, including the possibility that her resident school district may not accept her back.

COUNCIL DELIBERATION:

President Mike Corbo commented that since 3 board members arrived late and were not present for the entire hearing, they would not participate in the vote to take action on the item.

5 **CLOSED SESSION:** *The meeting will now convene to closed session to discuss the matters described below:*

There was a motion to adjourn into closed session, which was seconded and approved unanimously. Legal counsel was present with the Council members. The Council adjourned into closed session at 8:05

pm.

A. **Pursuant to Government Code §54956.9: CONFERENCE WITH LEGAL COUNSEL, Anticipated Litigation: 1 potential case**

B. **RECONVENE TO OPEN SESSION:** The meeting was reconvened to open session at: **10:02 p.m.**

C. **PUBLIC REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**
(includes the vote or abstention of every member present)

There was no action taken in closed session.

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B. Expulsion Hearing (continued): Deliberation and vote on recommendations from Item 4

Mike Corbo thanked the Council members for their time and thoughtfulness.

There was a motion made to recommend NOT to expel Student, and that she be placed on probation through the end of the school year, and that if she commits any violation of the probation that could be considered an expellable offense, she would be expelled at that time.

The motion was seconded.

There was a commentary by the Council regarding why this could have occurred at Journey and what can the community do to move forward and prevent this, and for action needed to support the class since that other students knew what was going on.

Council member Sue Vaughn made a comment about the concepts of compassion and forgiveness, stating these are not black and white and someone can be forgiven and yet held accountable. Compassion is sometimes best given through accountability.

Council member Jon Kaplan made a comment regarding the need for compassion for the teacher and her family, who were the victims.

The vote was as follows:

JILL MURPHY: YES

LISA O'NEILL: YES

SUE VAUGHN: YES

JON KAPLAN: YES

MIKE CORBO: YES

All the following abstained because of being deemed ineligible to vote on the matter because they were not there for all the testimony:

SUE TOMA-BERGE: ABSTAIN

WARREN WHITEAKER: ABSTAIN

KARA MCCANN: ABSTAIN

Shaheer Faltas commented that the school would welcome the student and would work hard with the

	student to allow her to build the trust back in the community.
6	<p>DISCUSSION/ACTION ITEMS:</p> <p>A. Charter renewal*: Review and discussion of final draft of charter renewal, and charter renewal timeline, with submission date to CUSD of Feb 17.</p> <p>Mike Corbo commented that the charter document is very good. They board reviewed the major changes to the charter and the additions both to the educational program as well as the additions for the new LCAP/LCFF requirements, and the changes that CUSD has requested.</p> <p>Robin Davis, faculty member, brought forward that faculty would like to have up to two faculty representatives on the Council. Warren mentioned that the employees on the board may be a red flag to the district. Franci Sassin reported on the negotiations with CUSD and the proposed language from CUSD, as well as the legal landscape regarding governance for charter schools.</p> <p>One reason for the faculty request, from the faculty perspective, is that the private Waldorf schools typically have an equal number of teachers and parents on their boards.</p> <p>There was a discussion regarding the implications of changes to governance and the options that the board has for seating its members. There was a comment that the terminology for the “Council” can be confusing.</p> <p>A motion to authorize administration to submit the charter as presented, to CUSD, allowing any minor revisions as needed. The motion was seconded and approved unanimously.</p>
7	<p>Adjournment</p> <p>The meeting was adjourned at 10:39 pm.</p>

**Items that are expected to have back up materials provided prior to or at the meeting are indicate with an asterisk. Other items may also have back up materials provided.*