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# Contra Costa Times (Walnut Creek, CA){PUBLICATION2}

## Board overturns teen's expulsion

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The Contra Costa County Board of Education has overturned the expulsion of a Deer Valley High School student who witnessed an after-school melee between students and police.

Following a public hearing Wednesday, the board voted 3-1 to uphold the first of at least three appeals stemming from the March 7 incident at a service station a few blocks from the high school.

The board's decision allows DeArmand Ellis III to return to Deer Valley High School in the fall. But his parents, who made the hearing public because they thought the expulsion was unfair, said that they will not allow him to attend the school because of what happened.

"He was not given fair treatment at Deer Valley," DeArmand Ellis said of his son. "It'll be hard to find a school in Antioch that will treat him fair."

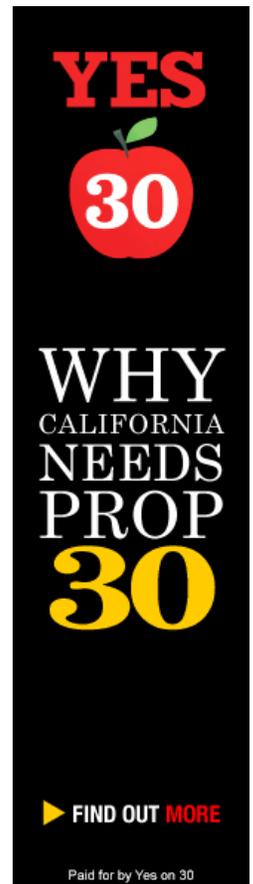
In May, the Antioch school board unanimously voted, with one board member absent, to expel Ellis for the rest of the spring semester and for the first semester of the 2007-08 school year.

Police say the chain of events began when another student, Michael Housley, did not comply with commands to stop blocking traffic as he walked through Deer Valley Shopping Center with two companions. When an officer attempted to give Housley a citation, the teen ran, police say.

Police chased Housley to the Gas City service station, where officers used physical force and, in some cases, pepper spray to subdue the 16-year-old and other students. Police said such action was justified, but parents called it excessive. Police arrested Ellis, six other students and one adult.

Police said a crowd of as many as 50 students gathered, but witnesses testified in earlier expulsion hearings that fewer than half that many were in the vicinity.

Ellis, who was shot earlier in the year in an unrelated incident, said he was walking home when he saw the chase and stood on a sidewalk in front of the gas station to watch. When a police officer moved toward Ellis and the other students he stood with, Ellis testified, he ran because he was scared, but he stopped running when he realized he



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had done nothing wrong.

Police say Ellis did not comply with an order to stop. An officer chased the boy, forcing him to the ground before he arrested the teen on a resisting arrest charge, according to a police report.

The school district expelled him on the grounds that by defying police commands and resisting arrest, Ellis endangered himself and others, and showed no remorse for his actions.

The county board deliberated for more than 30 minutes. The board's counsel, Esther Milbury, read the decision, which stated that the school district acted without jurisdiction and with prejudicial abuse of discretion in its ruling.

**Jivaka Candappa**, the attorney who represented Ellis and two other students, including Housley, said the district's argument that Ellis posed a threat by running away was illogical. He had argued earlier that the school district's decision to expel was pre-determined.

"It's a start," he said of the reversal, as he will argue two more appeals in early August.

Ron Leone, a coordinator in the Antioch school district's Student Services Department who acted as hearing officer in the earlier expulsions and helped prepare the district's expulsion packet, declined to comment Wednesday after the board's decision was read.

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