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Student's reversed expulsion could lead to more

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Times Staff Writer

A decision earlier this week to overturn the expulsion of a Deer Valley High School student who witnessed a March fight with police doesn't mean related appeals will follow suit, officials said Thursday.

"The board will take a look at the record from each individual expulsion hearing and make their decisions based on that information alone," said Peggy Marshburn, a spokeswoman for the Contra Costa County Board of Education. "One case doesn't bleed over into the other."

Common issues in the cases for several students expelled for their involvement in the after-school melee at a Gas City service station blocks from the high school mean that the attorney representing two other students' appeals will make similar arguments to the county board.

The next appeal hearings are scheduled for Aug. 8, and could also be made public. On Wednesday the county board voted 3-1 to reverse the Antioch school board's expulsion of DeArmand Ellis III. **Jivaka Candappa**, Ellis' attorney, said he hasn't filed his briefs yet but he will address similar issues in appeal hearings he will argue for two other students.

"In my opinion, if the procedure in hearing No. 1 was unfair, clearly, the procedures in hearings two and three were unfair because they were identical," he said.

Candappa said he will also emphasize that the school district did not follow state education law because an expulsion hearing for Michael Housley, 17, was not held within the allotted time period for a fair hearing.

Police say Housley instigated the March 7 after-school incident by running from officers after he was told to stop blocking traffic as he walked through Deer Valley Shopping Center. Officers chased the boy to a nearby gas station, where they detained him and six other students, including Ellis, as a crowd of people gathered.

The board found that the district acted without jurisdiction and committed a prejudicial abuse of discretion in expelling Ellis based on the charges that he caused, attempted to cause or threatened to



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cause physical injury to another person and he willfully defied the valid authority of school personnel. They also found that the district's evidence didn't prove Ellis' guilt.

The board's reversal of the expulsion is the second appeal it has affirmed since January 2006. Of eight appeals the board has heard since then, four were denied and two were remanded back to school district boards, according to the county board of education. As for the appeals, each one is examined independently, Marshburn said.

Ron Leone, a coordinator in the district's Student Services Department, declined to discuss the upcoming appeal hearings because of student confidentiality concerns.

"The Antioch Unified School District respects and will accept the county board's decision to support the student's appeal, even though we believe we were justified in expelling the student," he said.

Antioch school board president Gary Agopian said he may propose action jointly with the city to underscore what is appropriate behavior for students traveling to and from school. He added that his main concern is student safety.

"Expulsions are not automatic," he said. "I felt it was very important to all to make the right decision for the student, the district and the community, considering the circumstances. — We evaluated it, discussed it, debated it and voted on it and I stand by that vote."

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