

WILLOWS UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION
SPECIAL MEETING, THURSDAY, NOVEMBER 19, 2009
SPECIAL SESSION 1:00 P.M.
WILLOWS CIVIC CENTER
201 North Lassen Street, Willows, CA 95988

MINUTES

1. CALL TO ORDER

- 1.1 Roll Call – President Brott called the Special Meeting to order at 1:00 p.m. Present were: Mr. Ward, Mr. Geiger, Mrs. Brott, Mr. Parisio and Mrs. Domenighini
- 1.2 Flag Salute – Led by Allen Alves

2. OPEN SESSION

- 2.1 Pursuant to Education Code §48918(c). Expulsion Hearing to be held in Open Session per Parent/Student Request. Student ID #16497 – Mr. Parisio excused himself from the discussion and deliberation on this matter since the student involved is a family member. Mrs. Brott announced that the proceedings were going to be recorded and wanted the audience to be aware of that. She stated that this was an Expulsion Hearing for Gary Tudesko, Student ID #16497, date of birth – January 6, 1993, who is 16 years old and that the student and family requested an open session. Mrs. Brott went over what her duties were in this hearing and why the hearing was taking place. Mrs. Brott went over the rights of the hearing with Mrs. Parisio (Gary's mother). She then stated the Governing Board had two charges today: one, to determine if the evidence is sufficient to substantiate the charges brought by the school; and two, to determine recommendation consequences if the Board determines there is sufficient evidence. The Board then introduced themselves. Mr. Matthew Juhl-Darlington is representing the Willows Unified School District Governing Board as well as Mr. Mort Geivett, Principal of Willows High School. Mrs. Susan Parisio said she would represent her son, Gary and they each introduced themselves. Mrs. Brott then gave direction for the Expulsion Hearing proceedings.

Mr. Geivett, WHS principal, read his opening statement which asked the Governing Board for WUSD to support the WHS administration for this expulsion request. He said that expulsion recommendations are not done lightly and only happens when severe actions have been made by a student resulting in severe consequences. They asked for Gary to be removed from WHS and placed at an alternative site. Mr. Geivett then proceeded with his statement as to what happened on October 26, 2009. The expulsion recommendation was made because Gary Tudesko had two shotguns and ammunition in his truck. Mr. Geivett explained that possession of weapons on or near a school campus was not only a suspendable offense but also an expellable offense.

Mrs. Parisio then gave her opening statement. She stated that there was a great concern in the community how this matter was being handled. Gary's father was in the armed services and their family has always had guns in their home since they hunted and safety was always stressed. Her point was that Gary was not on school property.

Mrs. Brott then said the school could present its case and asked if they had any evidence to submit. Mr. Geivett went through the packet that was given to the Board and to the student's family. This involved the letter of rights, expulsion referral, suspension notice to parent, student data printout, report card for first quarter, transcript, class schedule, attendance record, Interquest Detection Canines Incident Report, discipline file, page from student handbook regarding explosive devices that every student receives, Gun Free School Zone Notice, the Administrator Recommendation of Expulsion Matrix and an email from Mrs. Parisio to Mrs. Brott stating her intention to request an open expulsion hearing. As Mr. Geivett went through the packet he commented on the records. He commented on the first quarter report card which had 3 F's and the transcript which showed Gary had re-entered WHS on 9/8/09 from Elk Grove High School and the summary showed he would be short of credits for graduation his senior year. He read each discipline record from his freshman year to current which contained 2 suspensions and about 25 referrals which showed continued disregard for proper school conduct and respect for his teachers. Mr. Geivett stated The Administration Recommendation of Expulsion Matrix from the CDE states this is a

“mandatory” recommend expulsion offense and that is why we are here today. Mrs. Brott accepted moving the packet in as evidence.

Mr. Geivett then called Tricia Alves, as his first witness. Mrs. Alves stated she is an employee of the Willows Police Department and assigned to WUSD as their School Resource Officer. She stated what some of her duties and responsibilities were as the SRO. She stated she knew Gary from this incident and also taught the DARE Program to him while he was a student at WIS. She went over the events of the October 26, 2009 and discussed her report.

Mrs. Brott stated that it was now time for the student to present his case and asked if they had any evidence to present. Mrs. Parisio presented a visual aid showing WHS and surrounding streets and a section of the student handbook given to every WHS student. She wanted to know why she was arguing at an expulsion hearing when her son was not parked on school property. Mrs. Parisio also said two other cars had “hits” on them and neither was written up. She went over the events of the day and said her son and another student went hunting before school and were planning on going after school and Gary didn’t want to be late to school and knew he couldn’t park on school property with his shotguns in his truck so he parked on the public street. She said the other student who owned the other gun found in the truck was not here today or being expelled and wondered why not. Mrs. Parisio also wanted to know how far the school has jurisdiction and asked to see the policy stating their boundaries. She then talked of a conversation that Gary had with Mr. Geivett. She wants to see the policy that allows the school to search on public property. She said there are no signs on campus that designates student parking or the Gun Free Zone. Mrs. Parisio said there is only one sign in the senior parking lot saying that if you park in that lot you agree to being searched – there isn’t any sign in the junior parking lot. She said she is not happy with Gary about this situation, that he was lazy and should have gone home before school and returned the guns. She was okay with the five day suspension but wanted to know where WUSD jurisdiction lies. Mrs. Parisio called Mr. Caroyl Smith as a witness. He stated his daughter took his van to school one day and she had parked on the public street and the van got vandalized. He said he called the school and reported it and the school told him that it was not on their property or in their jurisdiction. Mrs. Domenighini asked how many years ago that was and Mr. Smith said it was a couple of years ago and his daughter was embarrassed of the car so she parked across from the parking lot. The Board accepted Mrs. Parisio’s visual aid into evidence.

Mrs. Brott asked Mr. Geivett how the Interquest search came about since we no longer had a contract with them. Mr. Geivett stated that they had given WUSD one day “free gratis” and went through the District Office to get permission. Discussion ensued regarding the parameters of the search. The school’s responsibility of the student once they leave for school until they get home was also discussed (*en loco parentis*). Mr. Geivett stated that the school has jurisdiction under the Gun Free School Zone Notice within a distance of 1,000 feet from the grounds of the school for firearms.

Dr. Olmos explained CDE’s Administrator Recommendation of Expulsion Matrix concerning a “MANDATORY” or “MAY” act. Mrs. Parisio asked the Board if she recall Mr. Geivett as a witness and they agreed. Mrs. Parisio said that she wants and encourages students to take responsibility for their actions but feels responsibility is being enforced selectively. Mr. Geivett stated his interpretation was that the school had jurisdiction within 1000 feet of the school when weapons (guns) were involved. If students are parked within 1000 feet and are in possession of a gun, they are in violation of the Ed Code and Gun Free School Zone Notice. The safety and welfare of kids and staff are the school’s main concern and in Mr. Geivett’s opinion the perimeter of the campus is included. Mrs. Parisio stated that selective enforcement is wrong. Mrs. Domenighini asked Gary if he was proud of his discipline record and he said no.

Closing arguments were given by Mr. Geivett first and then Mrs. Parisio. Mr. Geivett said Gary was in possession of firearms which calls for a mandatory expulsion and hoped the Board followed his recommendation. Gary Tudesko said he shouldn’t have taken the guns to school but thought if he parked on the public street he wouldn’t get in trouble. He said he was sorry. Mrs. Parisio said this was in violation of the 4th Amendment – Search and Seizure Rights – policies don’t cover off campus searches. Selective enforcement was used and the school should post those areas if they are included for their campus searches. She asked the Board if they really thought expulsion was the appropriate action.

The special meeting was adjourned to closed session at 2:45 p.m. Mrs. Brott said she would report out in open session upon the conclusion of closed session.

3. CLOSED SESSION

- 3.1 **(Action)** Pursuant to Education Code §48918(c).Expulsion Hearing Deliberation.
Student ID # 16497.
- 3.2 **(Possible Action)** Pursuant to Government Code §54956.9 Conference with Legal Counsel:
Anticipated Litigation – one case

President Brott reported out in open session. The Board convened in closed session regarding the deliberation for the expulsion hearing for Student ID #16497 (Item 3.1). The Board voted 4-0 to expel Student ID #16497. The student and his family will receive a written order from the Board outlining in detail the grounds for this expulsion and outlining the expected conditions for the student's readmission. There was one abstention (Mr. Parisio). (Item 3.2) The item was discussed – direction was given to the Superintendent and legal counsel regarding anticipated litigation.

4. ADJOURNMENT

The meeting adjourned at 4:29 p.m.