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DAVID T. HARDY
TUCSON, AZ

December 16, 2009

Mr. Arturo Barrera
Superintendent
Glenn County Office of Education
311 South Villa Ave.
Willows, CA 95988
VIA FACSIMILE & E-MAIL
(530) 934-6111
abarrera@glenncoe.org

Re: **Gary Tudesko Expulsion Appeal**

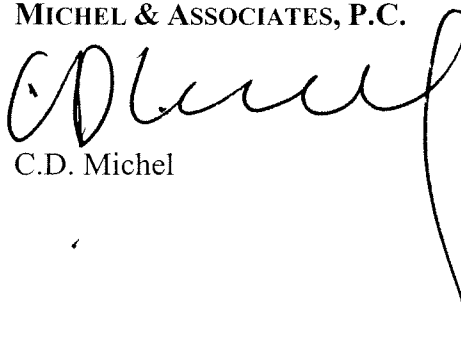
Dear Mr. Barrera:

Pursuant to our conversation of earlier today, attached hereto please find the Notice of Appeal Form for our client Gary Tudesko. As we agreed, we are submitting this form within the statutory deadline per Education Code §48919 in order to have the matter addressed and a hearing date scheduled by the Board at its meeting today.

The grounds for appeal are listed on the form summarily. As we discussed, for the convenience of all concerned we intend to submit supplemental materials in support of this appeal shortly, on a date to be agreed upon once the Board schedules the hearing on this matter. You kindly offered to seek the Board's approval for this approach to scheduling our submissions at today's meeting.

Please let me know as soon as possible when the hearing date is scheduled. Your cooperation and courtesy is appreciated.

Sincerely,
MICHEL & ASSOCIATES, P.C.



C.D. Michel

CDM/cs
Enc.

Appeal Form

EXPULSION APPEAL AND REQUEST FOR HEARING

TO: SUPERINTENDENT, GLENN COUNTY BOARD OF EDUCATION
311 South Villa Avenue, Willows CA 95988

In accordance with Education Code Sections 48919 – 48924 and the Glenn County Board of Education Regulation #8500, an Expulsion Appeal Hearing is hereby requested.

1. Expelled pupil's name: GARY TUDESKO
2. Age: 16 Grade: 11
3. Parent/legal guardian: SUSAN PARISIO
Parent/Legal guardian: BILL PARISIO
4. Home address: P.O. BOX 372; WILLOWS, CA 95988
5. Telephone number (home): (530) 354-6327 (work) _____

Name, address and phone number of legal counsel or other designated representative of the appellant (if any):

6. Name: MICHEL & ASSOCIATES, P.C.
Address: 180 E. OCEAN BLVD. ST. 200; LONG BEACH, CA 90802
Phone: (562) 216-4444
7. Name of expelling school district: WILLOWS UNIFIED SCHOOL DISTRICT
8. Date Respondent Board voted to expel: NOVEMBER 19, 2009
9. The County Board's review of the Respondent district decision shall be limited to the following. See *Expulsion Appeal Handbook for Parents* for explanation. (Please check one or more, and describe in detail how each applies to your case.)

A. Explain how the governing board acted without or in excess of its jurisdiction in expelling the pupil. (See *Expulsion Appeal Handbook for Parents; Education Code § 48900, 48900.2, 48900.4, 48900.7 or 48915.*)
NO SUBSTANTIAL EVIDENCE OF POSSESSION ON SCHOOL GROUNDS; NO SUBSTANTIAL EVIDENCE THAT OTHER MEANS OF CORRECTIONS ARE NOT FEASIBLE OR HAVE REPEATEDLY FAILED TO BRING ABOUT PROPER CONDUCT; NO SUBSTANTIAL EVIDENCE THAT DUE TO NATURE OF ACT, PRESENCE OF PUPIL CAUSES A CONTINUING DANGER

GF

For More Information, please call: (530)934-6575

Appeal Form

B. Explain how the pupil was not afforded a fair hearing before the district governing board. (See *Expulsion Appeal Handbook for Parents; Education Code § 48918, 48922.*)

VIOLATION OF STUDENT DUE PROCESS RE NOTICE OF CHARGES, SPECIFIC
FACTS UPON WHICH ALLEGED VIOLATION BASED, HEARING,
NOTICE ISSUES

C. Explain how there was a prejudicial abuse of discretion by the district governing board in the hearing. (See *Expulsion Appeal Handbook for Parents; Education Code § 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915, 48918, 48922.*)

DECISION NOT SUPPORTED BY SUBSTANTIAL EVIDENCE; MISTAKE
OF LAW; ALTERNATIVES TO EXPULSION

D. Explain if there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board. (See *Expulsion Appeal Handbook for Parents; Education Code § 48918, 48922.*)

FAILURE TO SEEK PROBATIVE FACTUAL AND LEGAL SUPPORT

(Please use another sheet of paper for additional comments, if necessary. Attach documentation, if any.)

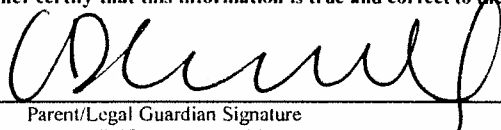
10. Expulsion hearings are closed to the public unless you request a session open to the public.

I am requesting an open (public) session.

11. I hereby certify that I requested that the district superintendent prepare a transcript of the expulsion hearing and supporting documents on _____.

12. I further certify that I have received and read the *Expulsion Appeal Handbook for Parents* and understand there are certain requirements that I must comply with in proceeding with this appeal. I understand that this form **must** be filed with the Secretary (County Superintendent) to the Glenn County Board of Education **within thirty (30) calendar days** from the date the district board voted to expel my student.

I further certify that this information is true and correct to the best of my knowledge.



Parent/Legal Guardian Signature
(or pupil, if 18 years or older)

December 16, 2009

Date

Attorney for Oroni Tulesko

Glenn County Board of Education

RECEIVED

NOV 24 2009

WILLOWS UNIFIED

Request for Transcripts Form

Date: Nov. 24, 2009

To Superintendent: DR. Steve Olmos
School District: Willows Unified School District
Address: 823 W. Laurel St., Willows CA 95988

This is to inform you that I am filing an Expulsion Appeal and Request for Hearing with the Glenn County Board of Education relative to the district's expulsion of my daughter/son GARY TUDESKO. Education Code Sections 48919 and 48921 require that I request from you a transcript of the expulsion hearing and supporting documents certified by you or by the Clerk of the Board to be a true and complete copy.

I understand that these documents will be prepared within ten (10) school days of this request and the filing of the Expulsion Appeal and Request for Hearing with the Glenn County Board of Education, provided my request is within 30 calendar days of the school board's decision to expel. Glenn County Board of Education procedure requires either that

- (1) your office will send a copy of the transcript and supporting documents directly to the Glenn County Board of Education, or
- (2) that I take responsibility for the delivery of the transcript and documents within one (1) day of the completion by your office. I am requesting:

That you send a copy of the documents directly to the Glenn County Board of Education and a copy to me at the following address:

P.O. Box 392 Willows, CA 95988

OR

That I be informed immediately when these documents are ready. I will then arrange for them to be picked up at your office, duplicated, and delivered to the Glenn County Board of Education office within one (1) working day of their availability from your office. You may contact me regarding this request at: _____ Telephone number

Sincerely, Susan Parisio
Signature

Susan PARISIO
Print Name

Note: This letter must be received by the school district Superintendent on or before the date you file the Expulsion Appeal and Request for Hearing with the County Superintendent for the Glenn County Board of Education.

For More Information, please call: (530)934-6575



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(562) 216-4444
csanchez@michelandassociates.com

FAX TRANSMITTAL SHEET

TO: Mr. Arturo Barrera
FIRM: Glenn County Office of Education
FAX NO. (530) 934-6111
FROM: C.D. Michel
DATE: December 16, 2009
RE: Michel v. Larry Moore & Associates, et al.

THIS FAX CONTAINS COVER PAGE PLUS 4 PAGES. IF YOU DO NOT RECEIVE ALL PAGES PLEASE CONTACT Christina Sanchez AT (562) 216-4444.

SPECIAL INSTRUCTIONS

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW VIA THE U.S. POSTAL SERVICE. THANK YOU.

*** TX REPORT ***

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