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WILLOWS UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
SPECIAL SESSION
THURSDAY, NOVEMBER 19, 2009
1:00 P.M.

TRANSCRIPT OF PROCEEDINGS
PRODUCED FROM AUDIO RECORDING



OPEN SESSION EXPULSION HEARING
RE GARY TUDESKO

---oOo---

HEARING LOCATION: WILLOWS CIVIC CENTER
 201 North Lassen Street
 Willows, CA 95988

1 A P P E A R A N C E S

2
3 **BOARD MEMBERS PRESENT:**

4 Sherry Brott, Board President

5 Susan Domenighini

6 Jeromy Geiger

7 Buck Ward

8
9 **OTHER APPEARANCES:**

10 Matt Juhl-Darlington, Legal Counsel

11 Mort Geivett - Principal

12
13
14 Transcription by

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I N D E X

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WITNESS

PAGE

TRICIA ALVES

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CAROYL SMITH

57

1 THURSDAY, NOVEMBER 19, 2009

2 ----oOo----

3
4 (Track 1 of CD 1)

5 MS. BROTT: Good afternoon, this is special
6 meeting, Thursday, November 19th, 2009, of the
7 Willows Unified School District Board of Education,
8 it's 1:00 p.m., located in the Willows Civic Center,
9 201 North Lassen Street, Willows, California.

10 Okay. I'd like to note that all five Board
11 members are present at this time. And I'd like to
12 ask Mr. Alves if he would lead us in the flag salute,
13 please.

14 (Flag salute.)

15 MS. BROTT: Thank you, Mr. Alves.

16 Item 2.1. Pursuant to Education Code
17 48918(c). Expulsion hearing to be held in open
18 session per parent/student request. Student I.D. No.
19 16497.

20 MR. PARISIO: Before we start discussion,
21 I'd like to excuse myself from both the conversation
22 and the deliberation due to the fact that it is a
23 family member.

24 MS. BROTT: Thank you.

25 Okay. All persons present have been

1 informed this meeting will be tape-recorded.

2 For the record, does anyone need to express
3 a concern at this time?

4 (No response.)

5 MS. BROTT: Today is Thursday,
6 November 19th, 2009. The time is 1:03 p.m. This is
7 a student expulsion hearing of the Willows Unified
8 School District being conducted by the Willows
9 Unified School District Governing Board for Gary
10 Tudesko -- Did I pronounce that right? -- student
11 I.D. No. 24333, date of birth January 6, 1993, who is
12 16 years old.

13 At the request of his family, this expulsion
14 hearing is being held in open session.

15 My name is Sherry Brott, I'm the Board
16 president of the district's Governing Board and I
17 will be leading the Governing Board during this
18 expulsion hearing.

19 My function is twofold. One, I will
20 facilitate this hearing and ensure due process for
21 the student and the district.

22 And two, I'm a voting member of this
23 Governing Board.

24 The recommendation for expulsion was made by
25 the administration of Willows High School. The

1 administration's recommendation for expulsion was
2 received by the district on approximately October 26,
3 2009. Student is in the 11th grade and currently
4 enrolled at Willows High School.

5 Student is here today with his mother, Susan
6 Parisio.

7 And is there anyone else that's present with
8 him today, Susan?

9 MS. PARISIO: Just the people in the
10 audience.

11 MS. BROTT: Okay. Thank you.

12 Student has been charged with alleged
13 violation of Education Code Section 48900(b) and
14 Sections 48915(c)(1).

15 Ms. Parisio, did you receive a letter from
16 Dr. Olmos dated November 6, 2009, regarding the
17 rights concerning this hearing?

18 MS. PARISIO: Yes, ma'am, I did.

19 MS. BROTT: Thank you. Mrs. Parisio
20 acknowledges that the letter was received.

21 I will have to go over those rights with you
22 at this time.

23 Do you understand that Gary Tudesko has a
24 right to appear in person and be represented by an
25 attorney or other persons?

1 MS. PARISIO: Yes, I do.

2 MS. BROTT: Gary, do you understand that?

3 THE STUDENT: Yes.

4 MS. BROTT: You have the right to question
5 all witnesses presented. You have a right to
6 question all evidence presented and present verbal
7 and documentary evidence on Gary's behalf.

8 You may ask about the proceedings or request
9 clarification of anything you do not understand.

10 You have the right to have witnesses appear
11 on Gary's behalf.

12 Do you understand these rights and are you
13 prepared to proceed?

14 MS. PARISIO: Yes, I am.

15 MS. BROTT: Gary?

16 THE STUDENT: Yes.

17 MS. BROTT: Thank you. Do you have any
18 questions at this time?

19 THE STUDENT: No.

20 MS. PARISIO: No.

21 MS. BROTT: Okay. Thank you.

22 An expulsion hearing conducted by the
23 Governing Board takes place per Education Code
24 Section 48918 subdivision (f) in order to make
25 findings and to determine whether a student should be

1 expelled based upon substantial evidence relevant to
2 the charges -- so nervous -- at the hearing.

3 The Governing Board has two charges today;
4 one to determine if the evidence is sufficient to
5 substantiate the charges brought by the school, and,
6 two, to determine -- to recommend consequences if the
7 Governing Board determines that there is sufficient
8 evidence.

9 Would the Governing Board please introduce
10 themselves. Susan?

11 MS. DOMENIGHINI: Susan Domenighini.

12 MR. GEIGER: Jeremy Geiger.

13 MR. WARD: Buck Ward.

14 MS. BROTT: And I am Sherry Brott.

15 And representing the school?

16 MR. GEIVETT: Mort Geivett, principal.

17 MS. BROTT: Thank you. And our attorney.

18 MR. JUHL-DARLINGTON: I'm sorry. Legal
19 Counsel, Matt Juhl-Darlington. I'm representing
20 actually this panel for questioning.

21 MS. BROTT: Thank you. And representing the
22 student.

23 MS. PARISIO: Will be myself.

24 MS. BROTT: Thank you. And, Susan, I need
25 you to state your name, please, at this time.

1 MS. PARISIO: My name is Susan Parisio.

2 MS. BROTT: Thank you. And student, I need
3 you to state your name, please.

4 THE STUDENT: My name is Gary Tudesko.

5 MS. BROTT: Thank you.

6 This hearing will take place in open session
7 because parent requested in writing this expulsion
8 hearing take place in a session open to the public.

9 Technical rules of evidence will not apply
10 at this hearing. Evidence may be admitted only if
11 it's the kind of evidence reasonable persons are
12 accustomed to relying on in the conduct of serious
13 affairs. Hearsay is admissible but cannot be the
14 sole basis for recommending expulsion.

15 Under Education Code 48918(f) the Board may,
16 upon finding good cause exists, determine that the
17 disclosure of a witness' identity would subject that
18 witness to an unreasonable risk of harm. In that
19 event, the testimony of such witnesses may be
20 presented in the form of a sworn declaration. This
21 shall be examined only by the Board of Education.
22 The declaration shall be edited in such a manner as
23 to delete the page and identity of the witness. This
24 edited declaration shall be made available to the
25 student.

1 To begin, each party will be given an
2 opportunity to make an opening statement. The
3 purpose of the opening statement is to briefly
4 summarize each party's position. There will be no
5 cross-examination of opening remarks.

6 Following the opening statements, the school
7 will present its case including testimony, witnesses,
8 exhibits and evidence. After each witness's direct
9 testimony, the student or his or her parent or
10 representative may cross-examination the witness.
11 Redirect examinations, recross-examination is
12 permitted. At the end of direct and
13 cross-examination, Board members may ask clarifying
14 questions.

15 After the school has concluded its case, the
16 student or his or her representative may present
17 testimony, witnesses, exhibits and evidence. After
18 each witness' district testimony, the school my
19 cross-examination the witness. Redirect examination
20 and recross-examination is permitted. At the end of
21 direct and cross-examination, Board members may again
22 ask clarifying questions.

23 Either party may present rebuttal evidence.
24 Board members again may ask clarifying questions.

25 After all evidence has been submitted , each

1 party will have an opportunity to make a closing
2 statement. These statements should summarize each
3 party's position.

4 As you speak today, please speak loudly and
5 clearly into the mikes. These mikes are for
6 tape-recording.

7 Before speaking, please identify yourself
8 for the record.

9 Are there any questions before we begin?
10 Gary?

11 THE STUDENT: No.

12 MS. BROTT: Are you fine? Thank you.

13 Mr. Geivett, are you ready for your opening
14 statement?

15 MR. GEIVETT: I am. Again, I'm Mort
16 Geivett, I'm the principal at Willows High School. I
17 have a prepared opening statement I'd like to read
18 into the record.

19 We at the Willows High School are
20 recommending that Gary Tudesko, an 11th grade
21 student, be expelled, and we are asking that you, the
22 Governing Board for the district, support and back us
23 as administration in this request.

24 The recommendation for expulsion is not done
25 lightly and only comes at times when severe actions

1 have been made by the student thus requiring severe
2 consequences.

3 To be clear, what we are asking for is for
4 Gary's removal from high school and that he be placed
5 at an alternative site such as a Community Day
6 School.

7 We're requesting expulsion in this case
8 because the law requires that we do so, pure and
9 simple.

10 And now I'd like to present the facts as I
11 know them.

12 On October 26, 2009, at approximately 9:15
13 a.m., I was informed that during a routine canine
14 sweep by the dog ...

15 (Track 2 of CD 1)

16 ... unit that we had contracted with,
17 Interquest, one of the dogs alerted on a truck
18 located in the campus parking area. I immediately
19 contacted our school resource officer and Willows
20 police officer Tricia Alves and I asked her to run a
21 license plate search and found that the truck
22 belonged to Gary.

23 Because of the seriousness of the matter and
24 the potential problems presented, I also summoned
25 Officer Alves to the school and asked her to meet me

1 at the location and the truck where the dog alerted.

2 I then summoned Gary to the office and I
3 proceeded with him to his truck. I asked him if he
4 had something in his truck that he should not have on
5 campus. He told me that he had two shotguns and some
6 shells in his truck. As we continued to walk to his
7 truck, I told him the possession of weapons on or
8 near a school campus is not only a suspendible
9 offense but also an expellable offense.

10 During the search of the vehicle, shotgun
11 shells, that is ammunition, and two shotguns were
12 found within Gary's truck.

13 Officer Alves confiscated the weapons and
14 ammunition and took them into police custody.

15 Gary was then brought to the office and
16 informed that he was in violation of the Education
17 Code Section 48900 subdivision (b). Gary's
18 stepfather was contacted and Gary was immediately
19 suspended for five days.

20 Later that same day, I had a parent
21 conference with Gary's mother, Mrs. Parisic.
22 Subsequently, Gary's five-day suspension was extended
23 pending this expulsion hearing.

24 On November 6, 2009, Gary was sent to --
25 sent a notice of expulsion hearing rights where the

1 charges were being brought against him and these
2 proceedings were explained.

3 To be clear, we are requesting Gary's
4 expulsion under Education Code Section 48900(b),
5 possessed, sold or otherwise furnished a firearm,
6 knife, explosive or other dangerous object, and under
7 Section 48915 subsection (c) number (1), possessing,
8 selling, or furnishing a firearm.

9 Under the Education Code, this is a
10 mandatory expellable offense, and as a site
11 administrator, when I find facts to believe that a
12 student has violated Section 48900(b) and 48915
13 subsection (c), I am required by law to recommend the
14 student's expulsion.

15 And even further, you as a Governing Board
16 are required by law to expel this student.

17 Violation of Education Code 48915(c) is a
18 shall offense, which is not permissible in nature if
19 you find the facts to substantiate the grounds here
20 for the recommendation for expulsion.

21 In this case, quite simply, Gary possessed a
22 firearm in his vehicle along with shotgun shells.
23 The potential for danger to himself and others for
24 the possession of two shotguns in his truck on a
25 district campus does not require lengthy analysis.

1 Prior to Gary's suspension, Officer Alves
2 and I spoke to Gary asking what would happen if
3 another student or, worse yet, someone else in the
4 community who wanted to harm someone else, broke into
5 his vehicle and took possession of his guns and
6 ammunitions. What would happen if one of his friends
7 grabbed the guns and shells while having access to
8 his truck.

9 The implications of having student-possessed
10 weapons on school campus made me fearful for the
11 safety of both staff and students alike. Thank you.

12 MS. BROTT: Thank you.

13 Okay. Mrs. Parisio, do you or Gary have, or
14 both of you, have an opening statement?

15 MS. PARISIO: I do have an opening
16 statement. Thank you.

17 First and foremost, I'd like to thank
18 everybody here who's attending here from the public
19 today. There is great concern in this community with
20 how this came about and how it's being handled.

21 As an opening statement, I just want to
22 share just a small bit about my background.

23 My father served in the armed forces. My
24 mother was on a competition target shooting team in
25 high school. We have always had firearms, and we

1 have always, always stressed that safety is
2 important.

3 Mr. Geivett mentioned and has in the past,
4 and not just in opening statement, that the facts
5 substantiate the seriousness of this, this offense in
6 that he had a shotgun in his pickup. He did. What I
7 am going to ask questions about and ask you to
8 consider is was he on campus parking property, was he
9 on district property. I have to disagree with that.

10 Other than that, I say let's just go ahead
11 and get this on the road.

12 MS. BROTT: Okay. Thank you.

13 Okay. Next, the school may now present its
14 case.

15 Do you have any evidence to submit to us?

16 MR. GEIVETT: I do. And I think in front of
17 you you have the packet that was, was presented prior
18 to the expulsion hearing?

19 MS. BROTT: Uh-huh.

20 MR. GEIVETT: I'll just go through all the
21 items in the, in the documents, and if you have any
22 questions, feel free to ask me along the way.

23 The first couple pages are just a notice of
24 rights. This was sent directly to, to Gary and his
25 mother, this packet, beginning on page 1 and going to

1 page 3.

2 On page 4 is an excerpt from our handbook,
3 Student Handbook that every student is given at the
4 very beginning of the year.

5 Five is the expulsion referral along with a
6 couple of other documents attached that were mailed
7 to, to parent and student. It is the expulsion
8 referral form letter itself, the suspension letter
9 following that, and then the recommendation that we
10 normally send to the superintendent regarding the
11 expulsion.

12 On page 8, we have student data printout
13 which just gives you some information regarding Gary,
14 his date of birth, contact information and so on down
15 the line, what we keep on every student in our
16 computer.

17 Class schedule is at the very bottom of that
18 page 8.

19 On page 9, just some other incidental
20 information regarding contacts and, you know, mother,
21 relationships, stepfather, things like that. Okay.
22 Just standard information that we'd have in our
23 computer for a student.

24 The next page, page 10, we have grades,
25 current grades for the first quarter. You'll see

1 admin of justice, you'll see a schedule, he has a B,
2 integrated math II an F, U.S. history F, auto
3 mechanics an A minus, English 11 an F, and period 6
4 and 7 with ag welding, two A pluses. Pretty
5 self-explanatory.

6 Comments from his fifth period class English
7 11 from Mr. Owen, "poor attitude towards school,
8 disturbs others, poor participation and wastes time."
9 Other than that, no other comments from teachers.
10 Pretty self-explanatory on page 10. Okay?

11 On page 11, you'll see a copy of Gary's
12 transcripts. You see all the grades listed right
13 there. I won't do the same because it will take far
14 more time than we probably want to, to take on this
15 going over each individual year's grades in each
16 quarter. There are semester grades on the
17 transcripts.

18 I will refer to the very top of the page,
19 which is, Gary came to us, he re-entered our school
20 on September 8th, he came from Elk Grove High School.
21 Okay. So he didn't really start the year here. So
22 when we get to the attendance history and things like
23 that, you might notice a little, a little section
24 where he was not enrolled. Okay?

25 At the very bottom of that transcript you'll

1 see credit summary. You can see that, that all the
2 courses for graduation, high school graduation
3 requirements are listed. You'll see that it goes
4 credits required, that's for graduation. Completed
5 is the second column. And then needed for graduation
6 is the third column.

7 You can see that, in science, he still
8 needs, you know, one credit. I'm isolating those
9 simply because normally we go on a five credit, or
10 five needed increment each semester.

11 So, if you see those 1s, I just want to
12 explain to the Board that the 1 is that, either for
13 attendance or lack of a project or some other reason
14 there's a 1 there. Normally it's gonna be 5, 10, or
15 multiple of 5 or zero. Okay?

16 As you can see, the total for -- he's
17 currently a junior in high school, he needs 144
18 units. Theoretically, if we were to project this
19 out, in the absence of summer school or adult school
20 or some other program where he would remediate and
21 get those units back, he has failed some classes, so,
22 if you just kind of extrapolate that out a little
23 bit, he would be 4, 4 units short of graduating
24 provided every student on campus has 35 credits per
25 semester, 70 for the year. Two years would be 140,

1 and he would need 144 credits, if that's clear.

2 Okay? For the transcript.

3 Okay? I explain that simply because a lot
4 of this information doesn't cross very many people's
5 desks and so I wanted to just make sure I clarify it.

6 Okay?

7 On page 12, you'll see again just the
8 current courses that Gary's enrolled in.

9 On page 13, I eluded to this page already.
10 You'll see that he was not enrolled earlier in the
11 school year, came to us, and then his attendance has
12 been taken since then. Okay?

13 The slashes signify that he was in class.
14 T's represent the tardiness. And I don't think he
15 has anything other than that except for the
16 suspensions, and the S's signify suspension. Okay?

17 I will wait ...

18 (Track 3 of CD 1)

19 ... on pages 14 through 18 until later on in
20 my presentation.

21 If you'll flip to page 19, please, this will
22 give you an idea of the violation history or
23 disposition on referrals, either minor or major
24 referrals.

25 You can see that -- It'll work backwards.

1 It'll start from the 26th of October, the day the,
2 the occurrence, the incident occurred on our campus,
3 all the way into, and backwards again, into his
4 freshman year. Okay? As you go through that, you
5 will see that -- working backwards.

6 I want to explain those because it will take
7 some time to explain, explain those individually
8 because of the fact that oftentimes you do not get an
9 explanation as to what happened during that
10 particular incident. You get a violation or behavior
11 problem and detention, but you don't get what
12 actually the problem was in writing. So I will, I'll
13 share those with you as we flip through.

14 On page 24, you'll see some of the, the
15 items, suspension letters, things that are normally
16 sent home to parents to signify that some discipline
17 has taken place on campus; 24, page 25.

18 And then we begin, from 26 on, we begin to
19 see some referrals. Some of those are, are not as
20 legible and readable, if you will, so what I'll do is
21 I'll go through these so you get an idea about what
22 was written on these referrals. Okay?

23 Turn to page 27. On 3/12/09, this was
24 written by Ms. Lundgren, former P.E. teacher at
25 Willows High: My TA told, told him that he got

1 tagged in a game, he then told her, shut up, you
2 F'ing Mexican, you stupid F'ing Mexican. He was
3 dealt with with that situation with suspension from
4 Mr. Smith.

5 On September 28th of '09, he was -- had his
6 cell phone and he was texting in his (inaudible)
7 class, that was Mr. Smith, and a detention was given
8 to him.

9 On the next page, this is one that isn't
10 legible and I want to make sure that I went over this
11 with you because, again, they are difficult to read.

12 Comments: Assigned class detention for
13 disturbing the class and he didn't show. He was
14 given detention by Mr. Smith.

15 Next page: Left class to use restroom,
16 never returned, about 20 minutes into a two-hour
17 class. Wrote on the final Mrs. Conklin is a bitch.
18 Left final and score sheet on the desk. Ms. Conklin
19 wrote that up.

20 Okay? Not quite sure what the disposition
21 was on this one, but it should be found in the log if
22 we turn back to those pages. Okay?

23 On page 31: Repeated arguing with the
24 teacher and refusing to follow directions.
25 Ms. Lundgren's class. Mr. Smith gave him detention

1 for that.

2 On the next one on April 23rd, '09: He
3 collided with another student during a game and then
4 proceeded to wrap his arms around the student's
5 throat, pick him up, throw him on the ground, the
6 other student had a cut on his face. That was
7 Mr. Smith. And I believe -- we have to look at the
8 record, but I believe it was detection on the 27th.
9 Okay?

10 On March 10th of '09, asked him to get a
11 soccer ball, this was Ms. Lundgren, asked him to get
12 a soccer ball that he kicked under the bleachers, his
13 response was to yell at me saying I didn't F'ing do
14 it so I'm not gonna get it. I told him that his
15 language was inappropriate and he was getting a
16 referral. Okay? He had Saturday school.

17 On March 5th of '09: Calling another
18 student a name that involved profane language,
19 Ms. Samons' class. Detention Mr. Smith.

20 On the 2nd of March, '09, saying the F bomb,
21 how about that, I'll just leave it, leave it at that,
22 saying the F bomb numerous times while refusing to do
23 work, told he could leave after finishing one
24 problem. He walked out cussing and said he would
25 rather have a referral. Ms. Conklin's class. Given

1 detention by Mr. Smith.

2 On February 5th of '09: He didn't have a
3 book, class disruption, refusing to work, refusing to
4 get textbook. This has been an ongoing problem.
5 Ms. Samons' class. Detention.

6 11/12/08, refusal to work telling -- let's
7 see -- to read that here -- talking -- read that
8 here -- I can't even read it, so. Okay? I'll have
9 to pull the records. I have that.

10 The bottom line it says: Other, did not
11 serve detention assigned on 11/10. Go back to that
12 one if I need to if you have questions about it, I
13 can pull it from my file. Okay?

14 Next one, on 10/14/08: Messing around,
15 pushing and shoving with another student while
16 outside, threw a stick at a different student. Sent
17 outside. Given detention.

18 5/30/08: Disrupted movie To Kill a
19 Mockingbird, kept saying the N word, kept saying "ni,
20 the ni, the ni." He said he did not say the second
21 syllable but you got the point. That was according
22 to, to another teacher, his English teacher. Okay.
23 Given Saturday school.

24 On 5/20/08, called Ms. Samons a bitch, was
25 given detention, actually looks like four days of

1 detention.

2 On 5/5/08, excessive talking, Ms. Samons'
3 class, given some detention time for that.

4 On April 16th: Disrupted class several
5 times during reading of story then spat in the
6 garbage can after clearing his throat in a very loud
7 fashion. Given some detention time for that from
8 Mr. Smith.

9 January 22nd, '08: After being, after being
10 reminded this was a new semester and a clean start so
11 it was a good idea not to go back to old ways, Gary
12 decided to socialize with Jared rather than remain
13 attentive, work detail over detention is what was
14 assigned to him originally. Gary had his last
15 semester deal about instant referrals reiterated,
16 reminded again about old, old habits and a new start.
17 Okay. That's from Mr. Corley and he had detention
18 from Mr. Smith.

19 January 10th, '08: Excessive talking during
20 instruction. Again detention.

21 Despite being put -- and this is on
22 December 17th: Despite being put on contract, Gary
23 could not find a minimal amount of maturity to sit
24 quietly and listen to both instructions and
25 explanation of an activity. Clearly detention and

1 work detail have no sway over him, neither has
2 punishment at home. Any ideas? This teacher is
3 asking Mr. Smith (inaudible) given Saturday school.

4 Gary's had to be kept after class for
5 disruptive behavior in class during student
6 presentations. Gary insists and -- on disregarding
7 any -- any -- well, I might have to look that one,
8 too. To be attached to his, his actions. I don't
9 know if that says consequences or something --
10 attended to his actions and discipline -- need to
11 pull that from my records, too, to see that. Oh,
12 discipline because of them. This is a recurrent work
13 detail, may be, may be serious for him, I don't know.
14 Okay.

15 Constantly talking, caught cheating on quiz.
16 I have talked with Gary many times about his talking,
17 however, it still continues and disrupts the class.
18 Sent outside of class to complete his assignments.
19 Given detention by Mr. Smith.

20 September 25th, '07: Gary disrupted class
21 again today forcing me to stop instructor --
22 instruction and call his mom in class. This is two
23 days in a row that Gary has shown he cannot or will
24 not, after his behavior -- after his behavior. Gary
25 stated after class that he has not decided whether he

1 will change his behavior or not. Okay. And
2 detention was given for that one.

3 24th of '07 -- actually, September 24th of
4 '07, for the past two weeks I've had to send Gary out
5 of class, talk to him about being disruptive and make
6 agreements on future behavior, all of which he has
7 broken ...

8 (Track 4 of CD 1)

9 ... Gary stubbornly refuses to adjust his
10 behavior or seek after school help to improve his
11 grade. After school detention would be a nec --
12 would be a necessary start for his -- they
13 notified -- his mother's been notified and -- by me
14 and she seems agreeable to this. Okay? And he was
15 given detention.

16 On the 3rd of '07: Gary cannot keep his
17 hands to himself. He is hitting other students
18 during class. Gave him detention.

19 Talking during testing after repeated
20 warnings. Required one hour work detail. And that
21 was on the 6th of September, '07. Okay?

22 So that goes through the discipline history
23 portion of the packet that you have.

24 Again, I apologize because usually when it's
25 on NCR paper, if they don't write but, you know, hard

1 enough or, or really push down on their pen or
2 pencil, it doesn't come out on the third or fourth
3 copy, and so, anyway, I tried to make legible copies
4 and correct what I could correct, but I missed a few
5 things, obviously. I apologize.

6 On page 52, you'll see the "Dress Standards
7 While Attending School" as a, as a heading. That's
8 a, that's a excerpt from our handbook, our Student
9 Handbook that every student receives.

10 Page 53 starts a, a flyer put out by ATF,
11 Bureau of Alcohol, Tobacco and Firearms. It's just a
12 gun free zone notice, it's a flyer. It just explains
13 information regarding gun free zones and the
14 parameters within that legislation.

15 On page 55, it gets at what my opening
16 statement eluded to, and that is the administrative
17 recommendation, this comes from the California
18 Department of Education, it is the administrative
19 recommendation of expulsion matrix, and it's clearly,
20 if you look at the three columns, Must Recommend
21 Expulsion as Mandatory, acts must be committed at
22 school or school activity, and firearm is listed
23 there as possessing firearm when a district employee
24 verified firearm possession and when a student did
25 not have prior written permission from a certificated

1 employee which is concurred with by the principal or
2 designee.

3 So, again, this is why we're here. It's
4 Education Code 48915, subsection (c), and firearm
5 related possession.

6 Fifty-six is a continuation of that same
7 matrix.

8 And 57 is, is just a letter or a, an e-mail
9 saying that the, that there is an expulsion hearing,
10 and she had that right to have it in open session,
11 "she" being Ms. Parisio in here.

12 And that concludes the packet. So, with
13 that, I'd like to enter this into evidence.

14 MS. BROTT: Thank you.

15 UNIDENTIFIED MALE VOICE: Ms. Brott?

16 MS. BROTT: Yes.

17 UNIDENTIFIED MALE VOICE: Do you accept the
18 school site's packet in as evidence?

19 MS. BROTT: Yes.

20 UNIDENTIFIED MALE VOICE: Okay.

21 MR. GEIVETT: Next, if I may, if I can call
22 Officer Tricia Alves.

23 MS. BROTT: She would be your first witness?

24 MR. GEIVETT: She'd be my first witness.

25 THE WITNESS: Where would you like me to go?

1 MS. BROTT: Okay. Right up here, please.

2 (Inaudible)

3 MR. GEIVETT: Do you have a packet

4 (inaudible) just, just for the --

5 UNIDENTIFIED MALE VOICE: Could you state
6 your name for the record?

7 THE WITNESS: Tricia Alves.

8 MR. GEIVETT: Try to do this here, try to
9 (inaudible) to make it easier for you. But, all
10 right.

11

12 DIRECT EXAMINATION

13 BY MR. GEIVETT:

14 Q So, so, so basically your employer is whom?

15 A I work with the Willows Police Department
16 and I'm assigned as the school resource officer for
17 the Willows Unified School District.

18 Q Okay. What are your duties and
19 responsibilities as a school resource officer?

20 A I work with the administration, with
21 disciplinary and counseling of students. I also take
22 reports from students that need to file police
23 reports at the school site.

24 Q Okay. Do you know Gary Tudesko?

25 A Yes, I do.

1 Q Okay. How do you know Gary?

2 A I know Gary from talking to him on this
3 incident and also I believe I taught him DARE in the
4 5th grade at (inaudible)

5 Q Okay. So, you mentioned you were aware of
6 the incident. How are you aware of the inc -- this
7 incident?

8 A On the day I was called by yourself to come
9 to the school and that there was a hit on a vehicle
10 by the Interquest canine, and you were requesting
11 that I run a license plate on the vehicle, which I
12 did, and it came back to Gary Tudesko, and you asked
13 that I respond to the school.

14 Q Okay. Thank you. On page 15 of the
15 documents in front of you, have you seen this
16 document before?

17 A Yes, I have.

18 Q Okay. Does it appear to be true and
19 correct?

20 A Yes.

21 Q Okay. If you look at the notification
22 section of the report, could you please read that to
23 the Board?

24 A On October 26th, '09, at approximately 1020
25 hours, I was contacted by the principal of the high

1 school, Mort Geivett. Geivett requested that I
2 respond as he wanted to turn over some shotguns that
3 had been found in a vehicle during a search.

4 Q Okay. Under "Investigation," could you read
5 that for the Board as well.

6 A I responded to the high school and met with
7 Geivett on the north side of the campus near the
8 tennis courts. Interquest Detection Canines was on
9 campus on this date and the canine had alerted to a
10 student's vehicle.

11 Geivett was going to be disciplining the
12 student, Gary Tudesko, and he did not want the
13 weapons on school grounds.

14 I took possession of the weapons at the
15 location where the vehicle had been parked.

16 Tudesko advised that one of the weapons
17 belonged to his stepfather Bill Parisio, and the
18 other belonged to Rob Love.

19 The shotguns were later transported to the
20 Police Department and booked for safekeeping. The
21 owners were notified and advised of the proper
22 procedures to go through to get the guns released to
23 them.

24 Q Okay. Why did you take the shotguns into
25 your possession?

1 A Safekeeping, for the safety of the
2 community, the school, to keep -- to take them to the
3 Police Department.

4 Q Okay. You took them to the Police
5 Department and -- for safekeeping?

6 A Yeah.

7 Q Is that (inaudible)

8 A Yeah.

9 Q Why didn't you simply leave them in the
10 truck?

11 A I don't think that they would have been safe
12 in the vehicle. Just for the safety of the, of the
13 community and the school, I don't think that they
14 needed to be left there.

15 Q Okay. In your opinion, do you think it's
16 appropriate for Gary to be in possession of shotguns
17 on campus?

18 A No, I don't.

19 Q And why not?

20 A Again, to the safety of the, the school, the
21 kids on the school campus and the community.

22 Q Okay. Was Gary breaking any laws by being
23 in possession of shotguns on the campus?

24 A Education Code laws. I, I didn't feel at
25 the time that the, the Penal Code section applied.

1 Q Okay. If, if you look to, to page 14 in the
2 packet, have you seen this document before?

3 A Yes.

4 Q Okay. What is this report? What is this
5 document?

6 A It's from the Interquest Detection company,
7 the, the, it's a chain of custody, I believe, that
8 they fill out on, on the incident.

9 Q Okay. Could you do your best, can you just
10 read the handwritten part under "Incident Details"?

11 A Canine alerted on blue Silverado pickup with
12 California license 8 Robert 39147 at 9:54 a.m.
13 Inspection revealed two .12 gauge shotguns in rear
14 seat, one walnut stock Remington model 870, then it
15 gives the serial number, one Benilli camo stock,
16 serial number, one black folding locking knife with
17 three-inch blade, and 42 .12 gauge shells in jacket
18 on rear seat, I think is what it says.

19 Q Okay. Okay. Are you still in possession of
20 those shotguns?

21 A Yes, I am.

22 Q And why are you still in possession of them?

23 A We have to go to, through a process to
24 return the shotguns to the owners and they, in order
25 to do that, the owners have to fill out ...

1 (Track 5 of CD 1)

2 ... a DOJ form and have approval from DOJ
3 for the shotguns to be released back to them.

4 MR. GEIVETT: Okay. No further questions.
5 Thank you.

6 MS. BROTT: If I could ask you to stay there
7 for just a bit.

8 Ms. Parisio, would you like to ask this
9 witness cross-examination questions?

10 MS. PARISIO: Yes, I would.

11 MS. BROTT: Okay.

12 MS. PARISIO: So, do I stay here and she
13 answers like this? Will this work or --

14 MS. BROTT: Mr. Darlington?

15 MR. JUHL-DARLINGTON: That's fine, unless
16 you would like to stand up --

17 MS. PARISIO: I could stand up but then I
18 have to hold the mike, right?

19 MS. BROTT: Yes.

20 MR. JUHL-DARLINGTON: Probably would, yeah.

21 MS. PARISIO: Well, let's give it a shot.

22 MR. JUHL-DARLINGTON: Okay.

23 MS. PARISIO: If it doesn't work, I'll sit
24 back down.

25 MS. BROTT: Okay.

1 MS. PARISIO: I've looked at that. Thank
2 you.

3 MR. JUHL-DARLINGTON: Mr. Geivett, is that
4 microphone on?

5 UNIDENTIFIED FEMALE VOICE: Hello?

6 MR. GEIVETT: You know, I was using it.

7 MR. JUHL-DARLINGTON: I think it's just for
8 recording, so.

9 MR. GEIVETT: Oh.

10 MS. PARISIO: Okay. So it records --
11 Everybody can hear me well enough, I'm sure.

12

13

CROSS-EXAMINATION

14 BY MS. PARISIO:

15 Q Officer Alves, you said that you didn't
16 think the guns would be safe. Isn't there a law, and
17 you referred to it, that requires you to take the
18 weapons, any firearm that's confiscated for any
19 reason, lawful or otherwise, or that is found, to be
20 taken to the police station?

21 A Can you repeat the question? Sorry.

22 Q Let me try that again.

23 All right. You stated that -- you were
24 asked, why didn't you leave the shotguns in the
25 pickup?

1 A Uh-huh.

2 Q And you said because you didn't think they
3 would be safe, and that's why you did not leave them
4 in the pickup.

5 And I'm asking, isn't there, though, a law
6 that requires that any shotgun or firearm or handgun
7 that you confiscate or find has to be turned in,
8 whether it's used with the legal owner --

9 A Any, any firearm that we confiscate or find
10 as found property has to be turned in.

11 Q And it has to be turned in?

12 A Yes.

13 Q So, even though you did make a judgment call
14 that you didn't feel it was safe to put them back in,
15 legally you didn't --

16 A I couldn't have, no.

17 Q -- have a choice? Okay. So legally you
18 were obligated to take them to the police station --

19 A Yes.

20 Q -- whether you felt they were safe or not.

21 Principal Geivett asked what laws were being
22 broken, and you referred that you felt it was an
23 education law issue, that you didn't feel that the
24 Penal Code section applied.

25 What Penal Code section would that be?

1 A There was none that I could think of that --

2 Q The one that you felt didn't apply, would
3 that be the California Penal Code 626.9 --

4 A And what --

5 Q -- which is the Gun Free School Safety Zone
6 Act of 1995?

7 A I'd have to look at that.

8 Q Okay. Did you call Chief Spears to inquire,
9 you yourself, were you participatory in the inquiry
10 whether or not Gary would be cited?

11 A I didn't call him. I spoke to him later at
12 the Police Department.

13 Q You didn't.

14 And what did Chief Spears say?

15 A We just discussed the incident and he didn't
16 think that there was anything that criminally we
17 could do at the time. They weren't loaded and
18 they -- So, that's what we discussed.

19 Q They weren't loaded. Do you know whether or
20 not the vehicle was locked?

21 A I believe it was. I think he had to unlock
22 it --

23 Q Okay.

24 A -- to get into it.

25 Q So unloaded shotguns in a locked vehicle on

1 a public street.

2 A Yes.

3 Q To your knowledge, Willow Street that runs
4 on the north side of the tennis courts, is it public
5 property --

6 A It's a public street.

7 Q -- or is it campus parking?

8 A It's a public street.

9 Q It is a public street.

10 The only other question I have is in the
11 past, I'm not sure, I know there's a lot of different
12 officers are made a school resource officer, but I
13 know there's other people who also get called.

14 Have you ever been requested by school
15 employees, authorities, administration, to come
16 during a dog search on public property, such as the
17 case was with Gary, with the public street being
18 involved, have you responded to other incidents where
19 you were required to look at something in a vehicle
20 that was parked on public property?

21 A Usually when Interquest is doing these
22 searches, I'm not present during, during their, where
23 the dog goes around and searches. They call after
24 the fact and then I respond.

25 Q You respond. Have you responded to any

1 other incidences that you can remember, maybe not the
2 specific, but in your memory, where it's been a
3 response to a vehicle parked on a public roadway?

4 A I believe I have before. I can't remember
5 what the incident was or who was involved.

6 Q I, I understand, it's pretty specific --

7 A Yeah.

8 Q -- what I'm asking. But you do recall at
9 sometime during your career you've been called due to
10 an Interquest canine hitting on a vehicle parked in a
11 public roadway, and you were called because this
12 involved a student's vehicle parked on a public
13 roadway?

14 A I believe so.

15 Q You believe so.

16 All right. I think probably that covers --
17 Oh. I do have another question while you're here --

18 A Uh-huh.

19 Q -- before I let you go and say come back up
20 here.

21 Have they in the past used other dogs beside
22 Interquest, to your knowledge? Have they used the
23 Sheriff canine or, I don't know if they're, Willows
24 Police has a --

25 A We don't have one, no. But they have used

1 the Sheriff's Department before.

2 Q How, how far back was that, the one that ...

3 A I know they did it last school year. I
4 don't know about this school year.

5 Q Uh-huh. So, would it be appropriate to ask
6 you how they arranged for payment on that, or should
7 I wait and ask --

8 A Yeah, I don't know. I don't know about
9 that.

10 Q Okay.

11 MS. PARISIO: Well, that answers my
12 questions. And thank you.

13 THE WITNESS: Uh-huh.

14 MS. BROTT: Mr. Geivett, do you have any
15 redirect examination questions of the witness?

16 MR. GEIVETT: Well, you know, one thing that
17 I neglected to do, I apologize, is, if you'd turn
18 over to page 17, just want to make sure we do ...

19

20 REDIRECT EXAMINATION

21 BY MR. GEIVETT:

22 Q Let me just ask you, on page 17, I -- in
23 order to go through the entire packet, I know that
24 we've done, almost exhausted that, we'll add it here,
25 but, on page 17, what, what is that document?

1 A That is our property form that we fill out
2 when we take property --

3 Q Okay.

4 A -- and book it into evidence.

5 Q That's pretty accurate to you?

6 A Yes.

7 Q Okay. And lastly, the Property and Evidence
8 Form, pretty accurate --

9 A Yes.

10 Q -- for you?

11 MR. GEIVETT: Okay. I just wanted to make
12 sure that we clarified that.

13 MS. BROTT: Thank you. So do you have a
14 recross question for this witness?

15 MS. PARISIO: I have, I have one additional
16 question. I just want to make sure -- I'll grab this
17 real quick.

18

19 RECCROSS-EXAMINATION

20 BY MS. PARISIO:

21 Q There were two weapons in the vehicle, two
22 shotguns in the vehicle?

23 A Yes.

24 Q Did you speak with the owner or the other
25 youth involved with the other shotgun at the time

1 they were confiscated?

2 A I didn't speak with the youth that was
3 there -- or the other one involved. I did -- the
4 owner did show up when I was there.

5 Q He did show up and there when they were
6 being taken out of the pickup?

7 A Yeah, when I'd already had them, so.

8 Q Okay. You already had them, so there was no
9 way you could release that to him even though he was
10 standing there?

11 A Right.

12 Q I mean, I'm sure he asked; I would have.

13 A Yeah.

14 Q So, I just want to make clear that there was
15 another individual involved with this reason that
16 we're here; there's, there's another student involved
17 who I'd like to talk about later.

18 MS. PARISIO: Thank you.

19 MS. BROTT: Thank you. Or, excuse me,
20 Officer Alves, I need to ask you to sit -- I -- Does
21 the Board have any questions for Officer Alves at
22 this time?

23 UNIDENTIFIED FEMALE VOICE: No.

24 MS. BROTT: Thank you.

25 Okay. Mr. Geivett, do you have any other

1 witnesses that you would like to call.

2 MR. GEIVETT: No other, no other witnesses.

3 MS. BROTT: Okay. Thank you.

4 Okay. The student may now present his case.

5 Do you have any evidence that you would like to
6 present to us?

7 MS. PARISIO: I'm not sure if you'd call it
8 evidence. I guess it would be. What I have in the
9 way of information would be evidence, yes.

10 MS. BROTT: I don't know what you have, so,
11 it's hard to answer.

12 MS. PARISIO: Okay. Well, this is new to
13 me, so, please bear with me.

14 I'm going to do my best at the easel, and I
15 am going to set it up so that first you can view it,
16 and -- well, actually, that should be able to --
17 everybody should (inaudible) be able to see it; yes?
18 I think?

19 MS. BROTT: This, this really is for the
20 Board, though.

21 MS. PARISIO: Right. Well, what about them?
22 Do they not need to see it, our folks over there?

23 UNIDENTIFIED MALE VOICE: Put it over here.

24 MS. PARISIO: (Inaudible) administration?

25 MR. JUHL-DARLINGTON: I think if you put it

1 there it's sufficient.

2 MS. PARISIO: Will it work?

3 MS. BROTT: It's the Board that'll be --

4 MS. DOMENIGHINI: I really can't see it from
5 there, I don't think, Susan, so --

6 MS. PARISIO: Let me turn it. Hang on.

7 MS. DOMENIGHINI: -- it's probably better if
8 it's --

9 (Inaudible)

10 MS. DOMENIGHINI: -- out in front of us a
11 little more.

12 MS. PARISIO: All right. (Inaudible) that I
13 thought to bring another pair (inaudible)

14 (Track 6 of CD 1)

15 (Inaudible discussion)

16 MS. PARISIO: And I know the print's not
17 real big. I did try to make my printer make it
18 larger; however, that's not something that I
19 particularly do.

20 All right. There's two things that I do
21 want to discuss with regard to this, because I want
22 to make it really clear, I'll be happy to set it
23 where you can see it and bring it over to you if you
24 want to see it in order to ask questions. But I
25 think you probably already have this because it is a

1 blow-up of the Student Handbook.

2 What I have here are some blow-ups that I
3 made of the Willows High School 2009-2010 Student
4 Handbook, a calendar that is given out to every
5 student when they come to school. And I made these
6 in (inaudible) support what I'm gonna talk about
7 which is the fact that my son was not even parked on
8 school property. I think that's important. I also
9 think that it's -- well, it's the basis of why I'm
10 here to you arguing the expulsion.

11 The other thing that I want to discuss is
12 the handbook. This handbook has ever so many pages,
13 and pages 12 through 16, which is on its side here so
14 it wouldn't get (inaudible) that joins this, has 14
15 headings of specific violations and consequences. Of
16 these 14 headings, not one of them mentions firearms.

17 In the packet that I was given that all of
18 you received was a copy of this gun free school zone
19 notice, and nothing is mentioned in here, in the
20 book.

21 Gary was on public property, the other two
22 vehicles the dogs hit on were not on public
23 property -- or they were on public property, they
24 were not on school property, and the other two
25 vehicles both had shells in them, casings,

1 cartridges, ammunition.

2 The one vehicle was only written -- it
3 wasn't even written up because ostensibly it had beer
4 cans for recycling, but that student shared with me
5 that there was a live .223 round found in the front
6 of that pickup that he put in his pocket and walked
7 away. So he was not written up. No suspension, no
8 expulsion hearing.

9 The other vehicle that was hit on had live
10 rounds in the glove box. The young man had been
11 hunting with his father. There was also a pack of
12 cigarettes that belonged to his dad. That young man
13 was given five days' suspension. That young man did
14 not receive a mandatory expulsion hearing.

15 I say "mandatory" because, if you look at
16 explosive devices under these headings of specific
17 violations and consequences, it says, firecrackers
18 (inaudible) dynamite packs, ammunitions, and any
19 other type of explosive devices are illegal to
20 possess on school property. Now, again, nothing's
21 actually on the school property because he's out on
22 the road.

23 Possession shall result in confiscation,
24 police contact, and suspension from school with a
25 mandatory expulsion hearing. And yet, Gary's the

1 only one here today.

2 I also want to discuss the young man that
3 was in the vehicle with him. They went hunting
4 before school; they were gonna go hunting after
5 school. That's what we do in this community. It's
6 quite common.

7 And not to bring the past to the present,
8 but in years past, and I know there are people
9 sitting here in this room, people went to school with
10 their gun in gun rack and parked on the cam -- on
11 campus. And while nobody parks on campus anymore
12 with a gun rack, I have to wonder, I have to wonder
13 if this is really the road you want to take,
14 especially considering he was parked on public
15 property.

16 The student that was in the vehicle with
17 him, his gun was confiscated, he didn't get
18 suspended. He's not here for an expulsion hearing.
19 Specifically in this handbook, and specifically in
20 the Ed Code, it says, anybody driving a vehicle that
21 lets a person in who leaves something in there,
22 they're responsible if that, if that's in the
23 vehicle.

24 I didn't find anything anywhere that
25 exonerates a student who actually owned it and left

1 it in a vehicle. I didn't find anything that said
2 that person can participate and be in the vehicle,
3 say that they own it, actually legal -- legally own
4 it and then not suffer any consequences.

5 Now, let me, let me make it real clear: It
6 is not my desire to see any of these other students
7 get in trouble, but I have to wonder, how is this
8 being done, that one out of four is the only one here
9 today when, by the rules that you look at here, all
10 four of them should be here.

11 That brings me to the piece of paper I have
12 here which I didn't make any copies, I'll be happy to
13 give it to you, I don't have a copy at home, but, on
14 October the 26th, the day that Gary got in trouble, I
15 wrote this note and I took it in and I dropped it off
16 at Mr. Olmos's office, and I got it stamped as
17 received on that date, and I left him a question, the
18 question to which I did not get an answer.

19 How far does the school's jurisdiction
20 extend beyond the actual physical boundaries of the
21 school? How far? Is it the sidewalk adjacent to the
22 school's boundary line? The school's legal
23 responsibility, how far does it go? How far does
24 jurisdiction expand into the adjacent city and county
25 roadway? I asked for a copy of the policy. What

1 policy extends into the roadway?

2 I would like to read (inaudible) Gary,
3 Gary's statement, which I will read that he wrote
4 with regard to the incident, which follows exactly
5 what Mr. Geivett said, was that he was called in his
6 office, they went out to the truck, Interquest was
7 there with the dogs, Officer Alves pulled up, and
8 Mr. Geivett told him go to the vehicle.

9 And Officer Alves took the two firearms, put
10 them in the trunk of her police car. He was then
11 told to go to the office. They talked to him, and
12 Officer Alves said she could arrest him but decided
13 not to, I'm thankful for that, and they both said
14 that they thought (inaudible)

15 At this point, Gary asked Mr. Geivett if his
16 truck was in their jurisdiction to search, and
17 Mr. Geivett said, "Once you leave your house, you and
18 the vehicle you are driving, are our responsibility,
19 and we can stop and search you at any time."

20 I brought that up with Mr. Olmos at the
21 meeting last Thursday, which was a week ago, the
22 documents, and brought that up, and basically was
23 told, yes, they can stop and search you at any time
24 (inaudible)

25 There's some reference to it in here, in the

1 handbook, but I went to your website, Willows Unified
2 School District board policy website and looked up
3 district liability, because if you're going to be
4 completely, have total jurisdiction over my child
5 when he walks out the door, would that mean you also
6 have some form of liability?

7 And this district liability says:
8 Notwithstanding any other provision of this code, no
9 school district, city or county board of education,
10 county superintendent of schools, or any officer or
11 employees of such district or board, shall be
12 responsible or in any way liable for the conduct or
13 safety of any pupil of a public school at any time
14 when such pupil is not on school property, not on
15 school property, unless such district, board or
16 person has undertaken to provide transportation, and
17 from there it lists specific circumstances.

18 Can you have full jurisdiction to pull a kid
19 over no matter what and yet have absolutely no
20 responsibility or liability in the situation? I'd
21 like to see that law. I'm not sure I understand it.

22 I did look up the definition of ammunition
23 just because of the two vehicles that had ammunition
24 in it, and it said ammunition means ammunition or
25 cartridge cases, primers, bullets, propellant powder

1 designed for use in a firearm.

2 And I realize I'm jumping around a little
3 bit. Like I said, this isn't what I do. It's not
4 what I do. I've never planned on standing up here
5 and talking to you folks on this particular day for
6 this particular reason.

7 And on the gun free school safety zone, on
8 the back of that notice you have in your packet, if
9 you look at (B) over on the far right-hand side, it
10 says, a person who legally owns a gun, has a license
11 for a gun is exempt. It has an exemption.

12 I went to the District Attorney and I asked
13 the District Attorney about this specific code 626.1,
14 and I said, "Is Gary guilty of breaking this law in
15 your opinion?"

16 And he said -- he read it, and he said, no,
17 he was parked on a public street, unloaded ...

18 (Track 7 of CD 1)

19 ... locked truck. He said no, he would not
20 prosecute him if it had come to him, the answer would
21 be no.

22 And I went and I spoke with Chief Spears and
23 I asked him the same question, couple of other
24 questions, too, but I asked him the same question,
25 the 626.9, this gun free school zone notice, the

1 thousand feet, and he said he didn't feel that it was
2 something to be pursued. He had gotten a phone call
3 on the 26th and he said there was no criminal intent
4 that he could see. These were kids who were going
5 hunting. This is a rural community. And again, they
6 were on public property.

7 I would like to see the policy that allows
8 the school to go onto public property in order to
9 look through the vehicles of students who attend.

10 Now, that brings me to my next visual aid
11 that I'm kind of proud of because I'm not the kind of
12 person who does crafty stuff and gluing this thing
13 together before I had it laminated was not pretty,
14 I'll tell you that much. There's a lot of pulling
15 apart of this.

16 What this is is a (inaudible) view of the
17 Willows High School and the surrounding streets. And
18 I brought this to say, does Interquest go completely
19 around the school? Do they go down every single
20 street that's adjacent to this high school and check
21 to see whether or not those are vehicles that have
22 something in them the dogs will, will hit on,
23 whatever that is, dope or beer or ammo, gunpowder?

24 If school property is considered on the
25 north side of the tennis courts where it's adjacent

1 to the sidewalk, they're saying it's campus parking,
2 is not the other side of the street campus parking?
3 Who decides where campus parking is?

4 Drive around the school looking for signs;
5 there aren't any. There is no sign anywhere on the
6 public roadway on a pole that says "campus parking,"
7 "student parking."

8 There is also not anywhere on this entire
9 campus any notice of a gun free school zone. There
10 is not one, one piece of signage that I could find.

11 There were, I believe, 15 signs that said
12 "no alcohol, no firearms, no tobacco." They were on
13 fences where you enter into school or the building.
14 And there was one parking sign in the senior parking
15 lot that said, and I'm just pointing to the sign,
16 this is what I'm holding, that said "Parking here
17 means that you agree to be searched." There's not
18 one in the junior parking lot by the gym.

19 If, if Interquest dogs were brought in
20 during a football game and you were to apply this gun
21 free school zone law, would you not arrest everybody
22 parked in that parking lot? Are you being fair by
23 not letting people know that this is a law that you
24 enforce?

25 Ignorance is no excuse for the law, I know

1 that, but I keep going back to (inaudible), he was on
2 a public roadway because he knew he couldn't park on
3 campus. He was being responsible. He was being lazy
4 by not stopping at the house and putting it away. I
5 mean (inaudible) five days of suspension for being
6 stupid. But do you really think that's within your
7 jurisdiction? I don't know another word to use to
8 actually (inaudible) on this campus, not on campus
9 property, and if you're not going to use this
10 particular law to pursue a kid. I don't know that
11 you can do one and not the other three.

12 And you guys are welcome to my offer of
13 props, they're not much, but they helped me. And
14 I'll be happy to answer questions or not, whatever
15 you wish.

16 MS. BROTT: Okay. Who would you like to
17 call as your first witness?

18 MS. PARISIO: I don't have any witnesses.

19 MS. BROTT: Okay.

20 MS. PARISIO: Thank you.

21 MS. BROTT: Thank you.

22 MR. JUHL-DARLINGTON: Ms. Brott?

23 MS. BROTT: Yes.

24 MR. JUHL-DARLINGTON: The Board should have
25 an opportunity to ask questions of the student or the

1 student's representative.

2 MS. BROTT: And also of the principal?

3 MR. JUHL-DARLINGTON: Or of the principal,
4 yes.

5 MS. BROTT: Okay. Thank you. I was trying
6 to find that on my cheat sheet.

7 MR. JUHL-DARLINGTON: Yeah.

8 MS. PARISIO: I do have one more thing to
9 add.

10 MS. BROTT: Okay. Go ahead.

11 MS. PARISIO: Caroyl?

12 MS. BROTT: So you have a witness?

13 Okay. Okay. So let's back up. So --

14 MS. PARISIO: Back up. I'm sorry.

15 MS. BROTT: -- you do have a witness?

16 MS. PARISIO: I do have a witness at this
17 point, yes.

18 MS. BROTT: Okay. So if your --

19 MS. PARISIO: I apologize.

20 MS. BROTT: -- witness would like to come up
21 and state his name. Thank you, Mrs. Parisio.

22 THE WITNESS: Caroyl Smith.

23 MS. BROTT: Okay. So, go ahead and --

24 ///

25 ///

1 DIRECT EXAMINATION

2 BY MS. PARISIO:

3 Q My question to you, Caroyl, is, you had an
4 experience with someone who had a vehicle vandalized
5 across from the school or next to the school?

6 A Yes. My van --

7 Q Would you explain that.

8 A -- was parked over here by the parking
9 (inaudible) across from the parking lot on public
10 property. It was vandaled, I assumed maybe from some
11 kids from school, maybe not; called the principal,
12 called whoever we called, "Sorry, you're not on
13 school property, that's not our jurisdiction."
14 That's a quote.

15 That's just what I wanted to say, because
16 not your jurisdiction is not your jurisdiction.

17 MS. BROTT: Okay.

18 MS. PARISIO: That'd be it.

19 MS. BROTT: Thank you.

20 Mr. Geivett, would you like to cross-examine
21 this witness?

22 MR. GEIVETT: I really don't have much, much
23 to say. I, I don't know, I've never, as I recall,
24 have spoken with, you know, with Mr. Smith on the
25 phone regarding, you know, a vandalism to his van.

1 If I did, like I said, I don't recall that
2 conversation.

3 I, I really don't have much to say. I don't
4 remember, you know, that conversation about, you
5 know, saying I could search your, your car or vehicle
6 any time while going to and from school.

7 I do remember having a conversation about
8 you're responsible for your behavior to and from
9 school, at lunchtime, and so, rules do apply. But I
10 don't recall saying, "I can search you on your way to
11 school," you know, "I can stop you on the street," or
12 anything like that. I don't think I, you know, have
13 the time or energy to stop cars on the street.

14 But once they get in or about the campus,
15 then, yes, due to -- and Ms. Parisio alluded to this,
16 due to loco parentis, yes, she essentially sends her
17 student to us and we were responsible for, you know,
18 disciplining, cautioning, you know, educating, all of
19 those students when they, when they cross our path.

20 So, so, again, that's just what we do. So
21 it's not as if we, you know, we say, okay, you
22 relinquish all your rights as a parent, but we do
23 take on some of those rights to, to do the things
24 that we need to do and to, to educate the student.

25 So, so again, I don't recall that

1 conversation, that piece of that conversation with,
2 with Gary saying that I would search his car or I had
3 a right to search his car on his way to school or
4 something.

5 MS. BROTT: No. Excuse me, I need you to
6 stay there. Sorry.

7 MR. GEIVETT: So, you know, that's just my,
8 my personal side of it.

9 MS. BROTT: Okay. Thank you.

10 Ms. Parisio, would you now like to ask
11 Mr. Smith another question?

12 MS. PARISIO: No. Thank you.

13 MS. BROTT: Okay. Thank you. Now,
14 Mr. Smith, you're free to go. Thank you. Does --
15 excuse me. Again, does the Board have any questions
16 for Mr. Smith? This is new to me, too.

17 No -- Susan, did you have any questions?

18 MS. DOMENIGHINI: How long ago was that?

19 THE WITNESS: It was a couple years ago.

20 MS. DOMENIGHINI: Couple years ago.

21 THE WITNESS: It was my van, my daughter
22 drove it to school. She parked off the -- across the
23 thing. She was a little bit embarrassed of a van
24 conversion, '94 Chevy van conversion.

25 And we called the school because it was

1 getting egged and it was getting written on. It was
2 right there, so we thought maybe there was a video
3 camera close to the school that mighta caught it, and
4 they said sorry, it wasn't and it's not our
5 jurisdiction.

6 MS. DOMENIGHINI: And where exactly was it
7 parked? You said right there --

8 THE WITNESS: Where was it parked? Where
9 are we at? The -- there's a school parking lot right
10 over here -- where am I -- yeah, right over here, it
11 was just right by the park.

12 MS. DOMENIGHINI: Right across the street
13 from us?

14 THE WITNESS: Yes.

15 MS. DOMENIGHINI: Thank you.

16 MS. BROTT: Thank you.

17 Okay. So, I think I already know the
18 answer, but do you have any other witnesses that
19 you'd like to call?

20 MS. PARISIO: No, I do not.

21 MS. BROTT: Okay. Thank you.

22 Are there any further questions from the
23 Governing Board?

24 MS. DOMENIGHINI: Okay. So is this like
25 just general clarifying questions at this point? I

1 guess, I'm not sure I got -- I'm new at this, too.

2 MR. JUHL-DARLINGTON: Questions of witnesses
3 or each of the representatives for the parties.

4 MS. DOMENIGHINI: Okay. So, this is -- so
5 this is our opportunity to ask just any questions at
6 all.

7 MR. JUHL-DARLINGTON: Right. And you could
8 recall witnesses if you wanted clarification on
9 evidence.

10 And this is a point of order. Ms. Parisio,
11 do you want to submit this evidence to the Board for
12 their consideration in closed deliberation?

13 MS. PARISIO: I --

14 MR. JUHL-DARLINGTON: I mean, that's big,
15 but they can take --

16 MS. PARISIO: Yeah, they can take it off or
17 take the boards --

18 MR. JUHL-DARLINGTON: And then they can
19 return, return it back to you.

20 MS. PARISIO: That's fine.

21 MR. JUHL-DARLINGTON: Okay.

22 MS. PARISIO: I would definitely wish to do
23 that, so --

24 MR. JUHL-DARLINGTON: Okay.

25 MS. PARISIO: -- I'll leave it there and you

1 can take it with you.

2 MS. BROTT: So the Board accepts that, and
3 thank you.

4 MS. PARISIO: Thank you.

5 MS. BROTT: Thank you, Mr. Darlington, for
6 clarifying that.

7 Does the Board have any questions?

8 (No response.)

9 MS. BROTT: I, I have a question.
10 Interquest, I'd like to know where ...

11 (Track 8 of CD 1)

12 ... they do search, what they're allowed to
13 search, because my understanding has been that there
14 are guidelines they have to follow in their search
15 process, that's how it's been explained to me years
16 past.

17 And then I'd like to know how intersearch
18 (sic) came -- why they were there that day. How did
19 we end up having -- how did we end up having that
20 company come. Because I know when we made cuts, that
21 was one of the things we looked at. So if you could
22 explain that, Mr. Geivett.

23 MR. GEIVETT: Sure. As far as the
24 guidelines started, starting when they first
25 (inaudible) as far as the guidelines are concerned,

1 when they came in approximately 8:30 that morning on
2 the 26th, we went to five or six individual
3 classrooms, and what, what we would normally do is
4 we'll ask the students to leave, we close the door,
5 and the canine always comes (inaudible) we search
6 the, we search the classrooms and, you know, alert on
7 anything that, that he was trained to alert on.

8 We found absolutely nothing in the, in the
9 classrooms that, that would indicate we need to, need
10 to do the search except for one student that had, had
11 gunpowder residue in his hat. Okay?

12 So we did the, reviewed the shooting, you
13 know, he was a hunter and everything else, so I did
14 the search, didn't have anything on him, went to the
15 locker, didn't have anything, so, so, again, he,
16 he's, he glided along that particular one. That was
17 the one in the classroom.

18 Then what happened basically is they said,
19 okay, well, we're free here, Mr. Geivett, if you want
20 to go back and get some work done, we're just gonna
21 do kind of the perimeter of the school. Perimeter of
22 the school means that, back behind the tennis courts,
23 the junior lot, the senior lot, things like that, and
24 kind of all around the fenceways that border that.

25 And then that's when, you know, when they

1 were almost completed, when they were almost
2 completed their, their search, that's when it was
3 discovered, that Gary's was, was alerted on.

4 The other piece of how were they there, we
5 have not contracted with them all of last year due to
6 financial constraints. This year, they, they agreed
7 to come in gratis and do at least one day in hopes, I
8 think, again kind of a marketing, you know,
9 situation, in hopes of maybe, you know, being
10 contracted again. I mean, that's my, that's my take
11 it.

12 So they agreed through the, through the
13 district office that they would do certain campuses
14 at certain times. They were gonna start on our
15 campus and, lo and behold, this is, this is why we're
16 here.

17 MS. BROTT: When, when they were first
18 contracted by Willows Unified, I remember sitting in
19 on a meeting or, or something, I don't remember
20 exactly what it was, but I remember they went over
21 what they could do and what they couldn't do, and my
22 understanding at the time was that, you know, there
23 were parameters of how far out they could search.

24 MR. GEIVETT: You know, again, I -- they
25 were contracted before I came on board here four

1 years ago. For the two years that I did work with
2 Interquest, it's always been my understanding that
3 they, they would do the parking lots --

4 MS. BROTT: Uh-huh.

5 MR. GEIVETT: -- if they had time. Again,
6 they had three, three different sites to go to,
7 they'd do the parking lots, they'd do the perimeters,
8 and they would kind of pick and choose. We really
9 did not tell them, do these classrooms or do this
10 particular area.

11 MS. BROTT: Right.

12 MR. GEIVETT: When they came on, we
13 contracted with them to do searches wherever they
14 needed to do a search.

15 Now, again, as far as their guidelines or
16 parameters, I've always understood that, that that
17 included the perimeter of the campus along where
18 Gary's truck was, was, was parked, as well as all the
19 parking areas around that particular area, so.

20 UNIDENTIFIED MALE VOICE: Mr. Geivett, the,
21 the random search of the five classrooms, it was a
22 complete -- they based -- they picked and chose what
23 they wanted to do?

24 MR. GEIVETT: This, this particular
25 incident, they --

1 UNIDENTIFIED MALE VOICE: It was a hundred
2 percent random from, from your aspect; you guys
3 didn't -- the district did not say, we would like you
4 to look at this, this and this --

5 MR. GEIVETT: Not --

6 UNIDENTIFIED MALE VOICE: -- they just chose
7 what they wanted to do and, and how much they wanted
8 to do, correct?

9 MR. GEIVETT: No. Okay? Usually that
10 would, that's what they would do. On this particular
11 day, they knew that they wanted to search classrooms.

12 UNIDENTIFIED MALE VOICE: Okay.

13 MR. GEIVETT: Okay? So what I did,
14 basically I said, well, let's go to a couple
15 classrooms in the 300 wing, and I just brought them
16 into a classroom. So randomly selected by me this
17 particular time.

18 And then I'd go to a classroom in the 500
19 wing. Then we went, we proceeded out to auto shop,
20 you know, metal shop and, and did the sweep there.

21 And then from there, after we concluded with
22 the lockers down the main hall, on our way back to
23 the office, the Interquest handlers just said, okay,
24 now it's time, we'll just finish up by doing the
25 perimeter, we'll let you know if we come up with

1 something. That was it.

2 MS. BROTT: And I think what I was trying to
3 say and asking at the same time was, I believe they
4 have laws that govern how far they can go when
5 they're going around the campus. That, that's what
6 they said when they came and talked to us.

7 MR. GEIVETT: Yeah, I, I'm not the person to
8 ask.

9 MS. BROTT: But that was before your time.
10 Yeah.

11 MR. GEIVETT: Sorry.

12 UNIDENTIFIED MALE VOICE: I have a question
13 for you, Mr. Geivett. When they did their random
14 perimeter search, was there any school employees
15 accompanying them?

16 MR. GEIVETT: At that time, no.

17 UNIDENTIFIED MALE VOICE: So they would have
18 no knowledge of whose particular vehicle that was?

19 MR. GEIVETT: No.

20 UNIDENTIFIED MALE VOICE: Okay.

21 MR. GEIVETT: Not unless they recognized the
22 vehicle from past (inaudible)

23 UNIDENTIFIED MALE VOICE: I mean (inaudible)
24 concern that, you know.

25 MR. GEIVETT: They just did their sweep down

1 that, down that wall.

2 MS. BROTT: And they're not from Willows.

3 MR. GEIVETT: No, not that I know of. I
4 think they're ...

5 MS. BROTT: Is there any other questions?
6 Susan, do you have any questions?

7 MS. DOMENIGHINI: Yeah, I do. Let me see if
8 I can -- Mr. Geivett, when you were speaking in
9 opening statement, you said that it applies on --
10 that the Ed Code we're talking about -- and
11 Mr. Darlington, you may, I, you may want to address
12 this as well -- it talks about school parking and
13 then you mentioned on or near. So, where does that
14 on or near come from?

15 MR. GEIVETT: I would put on or near on or
16 near because I, I, I really seriously look at our
17 parking lots, our senior lot or junior lot near the
18 football field as our specific lots.

19 The near comes from all of our students are
20 there for a reason, to come to school, and they come
21 to school, and they park along the perimeter. Okay?

22 So if you ask my, my opinion about where my
23 jurisdiction is, I would tell you that along that
24 perimeter where all of our students attend, attend
25 and park their cars, I would say that that includes

1 my, my jurisdiction along that road.

2 So, again, I, I beg to differ with
3 Ms. Parisio; I know that she has her point and I have
4 mine.

5 So, I don't know if that answers your
6 question, gets that, gets that --

7 MS. DOMENIGHINI: You're basically telling
8 me that, because the students regularly park in that
9 area, you consider it part of the parking lot.

10 MR. GEIVETT: Right. I mean, if you were to
11 look at all the, all the vehicles parked along that
12 road, I would say that, I would venture to guess that
13 probably at least 95 or a hundred percent of those
14 kids are -- I mean, those are vehicles connected to
15 our school.

16 MS. DOMENIGHINI: Okay. And,
17 Mr. Darlington, is there legal backing to that type
18 of a, a choice by Mr. Geivett?

19 MR. JUHL-DARLINGTON: Are you asking me to
20 testify in this hearing?

21 MS. DOMENIGHINI: I don't know; am I? Am I?
22 I'm just asking. I don't know.

23 MS. BROTT: Is that proper?

24 MR. JUHL-DARLINGTON: Well --

25 MS. DOMENIGHINI: Maybe not. You're --

1 MR. JUHL-DARLINGTON: The -- I mean, on
2 behalf of the panel, I could ask questions for you of
3 a witness, but I'm, I'm here to advise you as, as the
4 panel, as the Board, so.

5 MS. BROTT: So it doesn't seem that we
6 would --

7 MS. DOMENIGHINI: Okay. So I can't ask you
8 that question, unless I -- Okay. All right.

9 How many -- What is our record as far as
10 suspensions or expulsions for this in the, in the
11 past couple of years?

12 UNIDENTIFIED MALE VOICE: Ms. Domenighini, I
13 can probably answer that in regards to what Mort was
14 talking about, and I'm not sure if he mentioned the
15 term in loco parentis earlier, but per Ed Code, per
16 the law, the school district is responsible for the
17 students the minute they leave their front door to
18 the time they get home.

19 So, if a student is walking to school in the
20 morning and does get in a fight before even stepping
21 on campus, the school, the school does have
22 responsibility for that.

23 Ms. Parisic asked about responsibility or
24 liability. I have never seen any court cases that go
25 against the school that says you're responsible for

1 that kid because they got in a car wreck. However,
2 we are responsible for those kids if they do break
3 school rules to and from school, whether it's a
4 football game at 8:00 o'clock at night or whether
5 it's 12:30 during the school day during lunchtime.
6 They can be completely off of our campus, they can be
7 at the supermarket getting lunch, we are responsible
8 for them.

9 And also, you know, we have had to call
10 police officers in the past because of student
11 driving during lunchtime as well. And so, because of
12 in loco parentis, the school's responsibility does
13 stretch from the time they leave their home to the
14 time they get home. We are responsible for their,
15 their actions during that time.

16 MS. DOMENIGHINI: Okay. So that applies to
17 this case in that they were in possession of a
18 firearm ...

19 (Track 1 of CD 2)

20 ... during that, during the -- or there is a
21 firearm in the truck during the school period, so
22 that's breaking the rules in loco parentis is what
23 you're saying.

24 UNIDENTIFIED MALE VOICE: Correct.

25 MS. DOMENIGHINI: Okay. I'm trying to think

1 what else.

2 MS. BROTT: Do you mind if I ask a question
3 while you're going over --

4 MS. DOMENIGHINI: Go right ahead.

5 MS. BROTT: Mr. Geivett, I -- and
6 Mr. Darlington, please stop me if this is not an
7 appropriate question because we don't have -- you
8 mentioned other students and we don't have them here
9 so I don't want to violate any of their rights.

10 But, one of the things that I heard
11 Mrs. Domenighini ask was why weren't -- why wasn't
12 the other student who had a gun in the truck
13 punished. I don't know if he was or wasn't, I'm not
14 sure that -- I don't believe I need to know that here
15 in this setting, but does the law pertain basic -- is
16 it the vehicle, is that what the law -- Can you
17 expand on that a little bit?

18 MR. GEIVETT: I don't know if I can, I can
19 answer that question. Just briefly just say that,
20 you know, Gary recognized that that was his truck,
21 the weapons were in his truck, the ammunition was in
22 his truck, and so he took responsibility for it.

23 As far as, you know, whether that's the
24 right thing or the wrong thing to do, you know, by
25 not going after the other students, I'm not here to

1 talk about them, but --

2 MS. BROTT: Right.

3 MR. GEIVETT: -- but they did not receive
4 anything. It was my, my kind of recollection of the
5 conversation with, with his father was, you know, the
6 punishment at home was probably gonna be more than,
7 than the, the punishment at school.

8 What -- just to clarify another point, and I
9 know this is off, off topic, to clarify that, that
10 loco parentis or something, yes, we are responsible,
11 but,
12 but what I tend to tell kids after, you know, 20 some
13 years of, of working with students in the office, I
14 tell kids that, you know, they are responsible for
15 their behavior.

16 So I, I turn it over to them as high school
17 students saying not, not only, yes, can we punish
18 you, give you consequences or whatever it is, but you
19 need to know that you are responsible when you -- for
20 your behavior. Okay? You are responsible, although,
21 you know, although we have kind of a quasi
22 responsibility for you, you're kind of on your own to
23 come to and from school and do the right thing. At
24 lunchtime, you're supposed to do the right thing.

25 So I tell the students the onus is basically

1 on them during school hours, going to a school
2 activity, from that school activity, or from school
3 itself, they are responsible for their behavior. And
4 there are consequences if they don't.

5 The, the other issue that I would like to
6 bring up, and we kind of talked about, you know,
7 jurisdiction and everything else, you know, for, for
8 a good number of years, I've been lucky enough here
9 not to have a situation where weapons were
10 confiscated, weapons were found on campus.

11 Now, am I gonna bury my head in the sand
12 after being told this is Willows and it's a hunting,
13 you know, community or something like that? I'm not
14 gonna bury my head in the sand and say that, you
15 know, there aren't a few other vehicles that might
16 have been searched in the past and consequences given
17 out or, or whatever it is. But I will tell you what
18 I go off of is that jurisdiction that says for the
19 safety of kids and the safety of staff members, if
20 you're within, just by, just by the legislation, if
21 you're within a thousand feet of that school, we have
22 jurisdiction over searches, seizure and things like
23 that.

24 And there are some stipulations in there,
25 and whether the D.A. would prosecute or not, that's,

1 that's not up to me to decide. Okay? I'm here to
2 tell you as a school official, my understanding is,
3 if you bring a weapon on campus, like a shotgun, on
4 campus, and you're going to and from school and you
5 park it in and around that campus within a thousand
6 feet, per the legislation, it's a mandatory expulsion
7 for the student. That's why I'm here.

8 MS. DOMENIGHINI: Couple more questions --

9 MS. BROTT: Uh-huh.

10 MS. DOMENIGHINI: -- if it's okay.

11 So I'm looking at what's in the letters,
12 specific charge Ed Code 48900 section (b), and I know
13 this is only a portion, and I'm assuming the rest is
14 going, okay, these are the things that you would
15 expel for. And it does talk about not only firearms
16 but knife or explosive or other dangerous objects.

17 So, I think what I'm hearing Mrs. Parisio
18 say is are we consistently enforcing that full, full
19 section. And so, if live rounds were found in this
20 or another search in the last year or so, if knives
21 were found, were those -- is that what you're
22 considering, is this Education Code what is a
23 mandatory ex -- mandatorily expelled and have we
24 followed that, that rule.

25 MR. GEIVETT: I would say there, if, if --

1 in the last four years, almost four years of working
2 in Willows Unified, if I found a gun, a shotgun, in
3 or around campus in a vehicle, in a locker, you would
4 be seeing that student before you.

5 MS. DOMENIGHINI: Okay. This Ed Code also
6 mentions, with only a comma between, knife,
7 explosives or other dangerous objects.

8 MR. GEIVETT: If, if you look at, if you
9 look at the, the Ed Code citation, I believe you're
10 gonna find out that, you know, guns are separated
11 from knives and things like that.

12 MS. DOMENIGHINI: Okay.

13 MR. GEIVETT: Okay?

14 MS. DOMENIGHINI: All right.

15 MR. GEIVETT: Unless you're brandishing. If
16 you're brandishing and you're coming up to somebody,
17 it's a whole different -- Again, I'm just looking at
18 the Ed Code that, that you're referring to, so.

19 MS. DOMENIGHINI: Right. So you're looking
20 at the --

21 MR. GEIVETT: -- very specific.

22 MS. DOMENIGHINI: You're looking at --

23 MR. GEIVETT: You have permissible, you have
24 mandatory permissible.

25 MS. DOMENIGHINI: Okay. So what you're

1 doing -- And Dr. Olmos, if you want to address that.

2 DR. OLMOS: In that, if you do turn to page
3 55 of 57 in the packet, that is the administrator
4 recommendation of expulsion matrix, it's put out by
5 the California Department of Education.

6 And so you can see, actually,
7 Ms. Domenighini, kind of what you're addressing right
8 now. You'll see the first column of that is, must
9 recommend expulsion mandatory. You can see right
10 there the act must be committed at school or school
11 activity; firearm, brandishing a knife, unlawfully
12 selling a controlled substance, committing sexual
13 assault, or possession of an explosive.

14 You can see the middle column, that is
15 expulsion expected, act must be committed at school
16 or school activity. So this is not a recommend -- or
17 a mandatory expulsion, you do have some leeway here,
18 so you can see what constitutes that column.

19 Then the final third column is completely
20 discretionary and what constitutes the third column.

21 MS. DOMENIGHINI: Okay. That's helpful.
22 Thank you.

23 I still have to go down to No. 5, then, in
24 column 1, which is possession of an explosive. Would
25 live ammunition be considered explosive, would you

1 consider it that as the principal, and would you also
2 manditorily expel that, and have you.

3 MR. GEIVETT: I would not.

4 MS. DOMENIGHINI: Okay.

5 MR. GEIVETT: I would not.

6 MS. DOMENIGHINI: Because you would not
7 consider it --

8 MR. GEIVETT: I have not in the past as
9 well.

10 MS. DOMENIGHINI: Okay. All right.

11 MS. BROTT: Jeremy or Buck, do you have any
12 questions?

13 UNIDENTIFIED MALE VOICE: No.

14 MS. BROTT: Do you have any other questions?

15 MS. DOMENIGHINI: I think I'm done.

16 MS. BROTT: Okay. Okay. We'll now conduct
17 closing arguments in this expulsion hearing --

18 MS. PARISIO: Can, can I re-examine him?

19 MS. BROTT: Well, actually we weren't --
20 this was the Board asking questions of whoever we had
21 a question for.

22 MS. PARISIO: So I didn't have another
23 oppportunity to ask any questions? Is that how that
24 works?

25 MR. JUHL-DARLINGTON: Technically speaking

1 Ms. Parisio, unless I misunderstood, has not issued a
2 subpoena for Mr. Geivett --

3 MS. PARISIO: So even though he's present --

4 MR. JUHL-DARLINGTON: You -- hold on. So,
5 you can ask the Board if you can call Mr. Geivett as
6 a witness. But under the Education Code, in order to
7 call a witness, you have to have issued a subpoena
8 and the Board has had to have granted it ahead of
9 time. It's under the Board's discretion whether or
10 not they can grant your request to call Mr. Geivett
11 as a witness. He is here; I don't see any burden on,
12 on the Board to do so, so.

13 MS. PARISIO: And this is an Ed Code law
14 that you're citing?

15 MR. JUHL-DARLINGTON: Right. So, by way of
16 order, all that I'm suggesting, ma'am, is that you
17 call him as a witness.

18 MS. PARISIO: Thank you. Sorry to be so
19 jumpy.

20 MR. JUHL-DARLINGTON: I understand. Just
21 trying to keep this in order, that's all.

22 MS. BROTT: So, Board, are we agreeable that
23 Ms. Parisio ask --

24 UNIDENTIFIED FEMALE VOICE: Uh-huh.

25 MS. BROTT: Okay.

1 Mr. Geivett, then, can I ask you -- Should
2 he come up and sit where the other witnesses have
3 sat, or is that fine, Mr. Darlington?

4 MR. JUHL-DARLINGTON: That's where he should
5 sit if he's becoming a witness.

6 MS. BROTT: Okay. Thank you, Mr. Geivett.

7

8 CROSS-EXAMINATION

9 BY MS. PARISIO:

10 Q I won't pick up my board here, but in the
11 Student Handbook, or -- is the heading, I heard you
12 say, Mr. Geivett, you were very concerned should
13 there be any firearm on or near your campus, correct?

14 A True.

15 Q Okay. And that's your opinion.

16 And you said that you want these kids to
17 take responsibility; as teenagers, they're heading on
18 out to the real world and that you encourage them to
19 take responsibility for their actions. We were
20 talking about the other students and what may have
21 been found in their vehicles, and they're not here
22 today, but they're relevant because it was the same
23 day, same location as Gary's pickup, which is why
24 we -- referring back to that.

25 I'm not sure how responsibility is being

1 role-modeled with selective enforcement. This ...

2 (Track 2 of CD 2)

3 ... matrix specifically says -- I got this
4 matrix in the packet, I may even have (inaudible)
5 this on the Internet, which I did a lot of fishing to
6 find what little I do have, and it doesn't say pick
7 and choose.

8 Does it say mandatory expulsion for
9 possession of an explosive?

10 A It does.

11 Q It does. The law says.

12 In your policy manual, again online, you can
13 find possession of an explosive is defined in 18 USC
14 921 (inaudible) Chapter 44, Definitions: Ammunition
15 means ammunition, cartridges, cartridge cases,
16 primers, bullets, propellant powder designed to be
17 used in a firearm as an explosive.

18 Explosives were found in the other vehicles,
19 and yet, you chose not to hold them to the laws
20 (inaudible). You made a decision; yes?

21 A Absolutely.

22 Q So your call was, that was not as dangerous
23 as a firearm, am I correct?

24 A True.

25 Q Thank you. Yet, the Ed Code doesn't make

1 that distinction.

2 A I'm not familiar with, with the form that
3 you're showing -- no no no, this one I'm very
4 familiar with.

5 Q Okay. Well, in it, it says explosives
6 require mandatory expulsion hearing.

7 A Okay.

8 Q You referred to the thousand-foot gun free
9 school zone notice, that you believe this gives you
10 the right to search vehicles in that thousand feet,
11 these students' vehicles. Is that --

12 A It requires, it requires that within a
13 thousand feet you should not have a weapon at our
14 campus.

15 Q That is -- that's correct --

16 A Okay. it doesn't say anything about, you
17 know, me having to search. It says, they are
18 responsible for not having guns within a thousand
19 feet of school.

20 Q You believe that that's what this law says?

21 A I believe that that's what, that's my
22 interpretation of that, yes.

23 Q That's your interpretation --

24 A Yes.

25 Q -- as principal?

1 A Right.

2 Q Okay.

3 A That, that students, especially students --
4 in this case we're talking about a student -- should
5 not have a weapon, a shotgun, a gun, a rifle --

6 Q Correct.

7 A -- around campus. Right. Exactly.

8 Q I understand that's what your saying.

9 So if we utilize this law which you brought
10 up, then you're also saying that any person, which is
11 what this law says, cannot drive within a thousand
12 feet?

13 A It's not what that law says.

14 Q It's not.

15 A It's not what that law says.

16 Q It says student, it says child, it says
17 minor.

18 A No, it doesn't say what you just said.

19 Q What did you say, then, that it said?

20 A You told me -- repeat what you said, and
21 I'll attempt --

22 MS. BROTT: You, you said -- tell him again
23 what you said.

24 Q BY MS. PARISIO: You said that your belief
25 is that any student within -- any student within a

1 thousand feet of a school cannot have a firearm;
2 that's your belief.

3 A That's not what I said, but I will agree
4 that going to and from school during lunches, parking
5 out within a thousand feet of that campus during
6 school hours, is in violation of that and violation
7 of the Ed Code.

8 Q You believe that, that that, them -- you
9 believe that them participating in school by coming
10 to, going home, lunch period, school activities,
11 violates this law, 626.9, if in fact they have
12 possession of a firearm?

13 A Okay. You want me to clarify, I'll clarify
14 it for you one more time.

15 Q Yes.

16 A Going to and from school, during lunchtime,
17 if they're parked, as this -- this is what we're
18 talking about -- if they're parked within a thousand
19 feet of that campus, in a parking lot within a
20 thousand feet, on the street within a thousand feet,
21 I'll clarify for you --

22 Q Yes, please.

23 A -- I believe that that student is in
24 violation of that, of the Ed Code and in violation of
25 that gun free zone law.

1 Q So you believe that this gun free zone law
2 supports what you just said?

3 A I do.

4 Q You do?

5 A I do.

6 Q Okay. Because --

7 A As well as the Ed Code.

8 Q Well, the Ed Code --

9 A They're two separate things.

10 Q The Ed Code says specifically on school
11 property; on. Again, on. I did not read -- Perhaps
12 I missed something. I'm not an attorney.

13 I do have a couple more questions with
14 regard to the dog searches. (Inaudible). Here we
15 are. Use of drug detection dogs.

16 In an effort to keep schools free of drugs,
17 they are specially trained to sniff out and alert.
18 The dogs may sniff in or around lockers, desks or
19 vehicles on district property.

20 So, I'd like you to make clear, you believe
21 that, because students use the public roadway, the
22 use of that public roadway means that it is campus
23 property.

24 A I'm going to, I'm going to suggest to you
25 that, that Willows High School is a very porous

1 place. I'm going to tell you that Murdock used to go
2 all the way through to Wood Street. There's a little
3 cul-de-sac that goes all the way in.

4 Is that part of campus or is that part of a
5 public street? I don't know. Somebody needs to
6 determine that.

7 My experience is that if you're parked in
8 that cul-de-sac, I would consider that, as a school
9 official, I would consider that to be part of that
10 school subject to search because of the safety and
11 the welfare of kids and parents and community members
12 and staff members.

13 It's a very porous place. We have on our
14 campus a unique situation in that there is a
15 residence just off of our music building. I can't
16 draw the line too much as far as the safety of kids
17 if that, if that gentleman, who I respect a great
18 deal, has come in and, and, and had weapons in his
19 garage or something like that, I mean, his garage, I
20 mean, his open garage, he has weapons in his garage,
21 I would not consider that part of the campus.

22 But I would certainly go up to that garage
23 and say that if the safety and the welfare of kids
24 are at stake, and staff members are at stake, I would
25 say that that would be part of our campus, even that

1 gravel area. Whether I'm wrong or right, you know, a
2 court of law might be able to prove that. I'm just
3 saying that I'm erring on the safe side of protecting
4 kids and staff members.

5 So I would say that that's a very porous
6 place; I would go in the perimeter of that campus and
7 make sure that, that, that we require the kids act
8 appropriately and do the right thing because this is
9 within our jurisdiction, in my opinion.

10 Q In your opinion?

11 A In my opinion.

12 Q Okay. Thank you.

13 I know that when I drive around, I know it's
14 a porous place, I know that we have roads that begin
15 and end from past construction overwhelming the
16 (inaudible) pieces on the other side of the street.
17 I also know that over where the buses park and that
18 shows up as a street on the assessor's map, it's
19 posted.

20 It isn't open for just anyone to drive in
21 and drive through, it's posted that it's being used
22 for school property, school material, egress,
23 ingress.

24 So, anyway, I don't want to just, you know,
25 keep flogging that particular course. I guess I'm

1 not even gonna mention that.

2 I just want to make really clear that there
3 are laws that make very clear certain things need to
4 happen. They cannot be a selectively enforced.
5 Selective enforcement is in and of itself wrong.

6 As I said, it was never my intention to get
7 any other students brought in here to be talked to or
8 gotten in trouble, but if the Ed Code says an
9 explosive is a mandatory expulsion, then it's a
10 mandatory expulsion.

11 UNIDENTIFIED MALE VOICE: Ms. Parisio?

12 MS. PARISIO: (Inaudible) I'm sorry. I'm
13 sorry.

14 UNIDENTIFIED MALE VOICE: Well, no, I just
15 want to understand --

16 MS. PARISIO: I'm sorry.

17 UNIDENTIFIED MALE VOICE: -- do you have any
18 more questions for Mr. Geivett? Because I believe
19 Ms. Domenighini does.

20 MS. PARISIO: You -- Well, I believe the
21 particular law, and you all read it, doesn't apply to
22 student searches in 626.1.

23 I am done. Thank you very much.

24 MS. BROTT: Thank you.

25 UNIDENTIFIED MALE VOICE: Susan?

1 MS. BROTT: I thought your question --

2 MS. DOMENIGHINI: I did not have a question,
3 not a question --

4 MS. BROTT: It's not for Mr. Geivett.

5 UNIDENTIFIED MALE VOICE: That's why, I saw
6 the hand (inaudible) if you had a question, I want to
7 hear it.

8 MS. DOMENIGHINI: No, I don't have a
9 question.

10 MS. BROTT: Thank you, Mr. Geivett.

11 But Susan does have a question.

12 MS. DOMENIGHINI: I do have one more
13 question, and this is for you, Gary.

14 We had a nice long reading of your record
15 into the public document. This included cussing at
16 teachers, calling them things, inappropriate names,
17 it includes racial slurs, it includes talking and
18 disturbing classes, refusing to work.

19 My question for you is are you proud of this
20 record?

21 THE STUDENT: No.

22 MS. DOMENIGHINI: Okay. You understand why
23 this record -- Do you think this record makes you
24 look as though you're a responsible citizen?

25 THE STUDENT: No.

1 MS. DOMENIGHINI: Okay. I just want to make
2 sure you're aware of that as we look at this
3 situation. Okay?

4 MS. BROTT: Thank you. Any other questions
5 from the Board?

6 UNIDENTIFIED MALE VOICE: No.

7 (Track 3 of CD 2)

8 UNIDENTIFIED MALE VOICE: I do have a
9 question. The -- those are entered so we can look
10 at that --

11 MS. BROTT: Yes.

12 UNIDENTIFIED MALE VOICE: -- the layout?
13 Okay.

14 MS. BROTT: Yes.

15 Okay. We will now conduct closing arguments
16 in this expulsion hearing, first starting with the
17 school site. Mr. Geivett.

18 MR. GEIVETT: Sure. Just a prepared
19 statement here in closing.

20 The Willows High School is requesting that
21 Gary Tudesko be expelled from the Willows Unified
22 School District because he possessed firearms on the
23 district campus on October 26th, 2009.

24 Gary violated the Education Code when he
25 possessed these shotguns on campus. Under the

1 Education Code, this is a mandatory expellable
2 offense that requires expulsion. It as a very
3 serious matter that the school site administration
4 does take -- does not take lightly. The potential
5 for danger to himself and other students by being in
6 possession of these guns on campus during school
7 hours is limitless. Gary should have known better
8 than to come to school with shotguns in his truck.

9 We hope that the Board follows our
10 recommendations in this matter.

11 MS. BROTT: Thank you.

12 Gary, do you have a closing statement? Do
13 you have anything that you wish to say to the Board
14 at this time?

15 THE STUDENT: Yeah. I shouldn't have taken
16 the guns to school and didn't want to be late,
17 thought if I parked on the public street, it would
18 be -- I, I wouldn't get in trouble, I guess, and I'm
19 sorry.

20 MS. BROTT: Okay. Thank you.

21 Mrs. Parisio, do you have a closing
22 statement?

23 MS. PARISIO: Yes, I do.

24 I've listened to what's been shared and
25 what's been said and the evidence that's been

1 presented. I came here today because I firmly
2 believe that this was a violation of Gary's Fourth
3 Amendment right, an illegal search and seizure.

4 He was parked on the public roadway, not on
5 the campus parking lot property.

6 I haven't come across anything, and I've
7 talked to city roads or the (inaudible) in charge of
8 the roads for the city, I've looked at the handbooks,
9 I've looked at the Ed Code, I've looked -- I've
10 looked and looked and looked until I think I'm
11 probably losing my vision, trying to find out what
12 policy allows searches off the campus. I do know
13 that the roadway is used as parking; I won't argue
14 that.

15 I am not happy with what Gary did, don't get
16 me wrong here; I am really unhappy. And I'm
17 certainly not happy about this. I've been dealing
18 with it for three years.

19 But you have to ask, do you want to support
20 selective enforcement? Selective enforcement that
21 might have been done outside the parameters of what's
22 legal.

23 If you want to include these areas as campus
24 parking, get signage. Have it as an open hearing; do
25 the people want to donate that land that runs through

1 there as a street and make it campus parking, close
2 it off. Don't let the people park there who live
3 across the street. I don't know.

4 I do know that if you're going cite an Ed
5 Code, the 48900(b), that's fine, but you can't take
6 another law, California Penal Code 626.9, Gun Free
7 School Zone Act of 1995, and you cannot decide how it
8 will be applied. They're written in a specific
9 manner so that they serve a specific purpose. Read
10 the law; it doesn't say anything about students,
11 minors, or searches within a thousand feet.

12 I really don't know what else to say. Our
13 community is a community of hunters, people who fish,
14 people who make their living off of the folks who
15 come into this community to hunt and fish; we're
16 still a very rural and agricultural-based community.

17 I did ask Chief Spears if we had incidences
18 of children who are hunting, youths who are hunting
19 who had (inaudible), to his knowledge in the three
20 years he's been here, the answer's no.

21 Is there potential for something to happen?

22 Yes.

23 Is expulsion the appropriate action given
24 the circumstances, and not enforcement for the other
25 students? No, it isn't.

1 That's why I invited the community to be
2 here. I thought it was important that this
3 discussion be held with many people here because, as
4 the Board, more so even than the people who get a
5 salary because they're hired, you're part of us.
6 You're part of the community.

7 Do you really want to go down this road?
8 It's a slippery slope if you decide to use evidence
9 that might not be all it needs to be in order to
10 expel Gary from school.

11 Thank you for your time.

12 MS. BROTT: Thank you, Ms. Parisio.

13 The Governing Board will now adjourn to
14 closed session to deliberate on this matter.

15 At the close of the deliberation, a roll
16 call vote will be taken regarding the Governing
17 Board's findings and recommendation for action
18 concerning the student.

19 The Governing Board's written finding of
20 fact and determination of issues shall be mailed or
21 personally delivered to the student and to the
22 student parent or legal guardian. The school board
23 is the only body with the authority to expel. Thank
24 you.

25 MS. PARISIO: Thank you.

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MS. BROTT: So, at this time, the Board is
going to adjourn in closed session.

(End of recording.)

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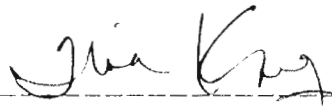
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I, TINA KING, a Certified Shorthand Reporter of the State of California, License No. 4799, do hereby certify:

That said hearing was audio recorded and was thereafter reduced to typewriting under my direction, and that this transcript is a true record of the proceedings transcribed from audio recording to the best of my ability, consisting of pages 1 through 95.

That I am not of counsel or attorney for any of the parties hereto, or in any way interested in the event of this cause, and that I am not related to any of the parties hereto.

WITNESS MY HAND this 30th day of November, 2009.



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