

Court sides with parents in Gallup High student prank case

Written by By Molly Ann Howell Sun Correspondent
Friday, 13 May 2022 04:03



Hyatt weighs in on court of public opinion

It's been over a month since Gallup High seniors snuck into their high school on the night of March 31, decorating the school's commons and the principal's office with streamers, balloons, signs, and glitter, among other things.

A lot has happened since then.

According to a criminal complaint filed by the Gallup Police, a surveillance video showed 26 people were involved in the prank. The Gallup McKinley County Schools investigation identified 25 of those people, and those students were suspended.

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April 15 marked two weeks since students were suspended.

According to the district's secondary behavior handbook, a student who has caused criminal damage to district property will face up to three days of in or out-of-school suspension. The student also has the right to a hearing if the violation warrants one.

Marsha Spencer is an employee of the school district. Her supervisor is Ben Chavez, the district's hearing authority. Marsha is also the mother of two kids who were suspended for the senior prank.

In an interview with the *Sun*, Marsha said she knew how the disciplinary hearings were supposed to work because of her job.

"A first offense doesn't call for a long-term suspension or a hearing if it's not in the discretion of the principal," Marsha explained.

According to the handbook, a student's first offense of criminal damage should result in parental notification and a mandatory conference with the parent(s) and the principal; school counseling is mandated, and mediation is required.

If the principal identifies the offense as one of high severity, they then have the option of referring the student to the hearing authority.

But according to Marsha and other parents of the students involved in the prank, this protocol wasn't followed.

Marsha met with the Gallup High principal Tammy Hall on April 1 to talk about her daughter's involvement in the prank.

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She told the *Sun* that Hall said her daughter, Ciara Spencer, would be suspended for two days for being involved in the prank. At the time of the Spencers' conference with Hall, Ciara was going to be the only student suspended for the prank.

But Marsha said that all changed April 4, when she got to work and Chavez told her that all of the students involved in the prank would be suspended long-term. She said that GMCS Superintendent Mike Hyatt was the one who switched the decision.

The students were suspended, and many upset parents said the school wasn't setting disciplinary hearing dates.

The *Sun* published an article on this issue on April 15, but none of the students' hearings had been scheduled at the time of publication. However, the school district released a statement on April 12 that said "due process" would be taking place soon.

Now the hearings have finally been scheduled. Marsha said her daughter's disciplinary hearing is scheduled for May 10.

"[The hearing authority] looks at the students' overall behavior and character, grades and attendance, previous discipline history, and then the violation itself," Marsha explained. "The students have to be given that due process as far as explaining themselves and the situation. From [my] previous experience, if the intention was there, then that's when the consequence is handed down, but the intention was not there to vandalize or break anything, it was simply to do a senior prank ..."

THE DISTRICT'S RESPONSE

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In a press release posted on April 7, GMCS stated that “Breaking and entering, vandalism, and destruction of school property is illegal and is considered criminal activity.”

In an interview with the *Sun* May 4, Hyatt backed the original statement.

“.... There was damage, it wasn’t appropriate, it was illegal, it does go against criminal code and board policy, and so if there’s those who think that type of activity is OK in our community and think I should resign, that’s their right,” Hyatt said. “But from what we’re hearing our community is tired of these kinds of behavior. People are tired of their businesses getting broken into, certainly wouldn’t want this type of activity.”

The school board’s vice president Chris Mortensen agreed with Hyatt.

“Anybody who thinks it’s not a big deal, maybe they could schedule the senior prank to be at their house next year,” Mortensen said. “Or I would imagine if somebody broke into city hall and vandalized the city manager’s office and city hall, I’m guessing heads would roll.”

According to a criminal complaint filed by the Gallup Police Department on May 1, the total costs to fix all of the damage done on March 31 would cost the school district over \$282,000.

The police report states that the school’s floor was damaged when students moved a soda machine. The cost to fix the floors is estimated under \$10,000.

The students sprayed shaving cream and spray paint on the walls and made “a general mess of the school,” according to the police report. The cost of labor and supplies to clean the school totaled over \$15,000.

The hefty price tag comes from the need to rekey the entire facility. Students used keys to get into the school after hours, and one of those keys is currently missing, which means the district will need to redo the locks and get new master keys for the school. The price for all that is just

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over \$257,000.

Mortensen said that as a school board representative, he wishes that the district didn't have to spend money on things of this nature.

"We want to spend the money on building kids up and helping kids achieve their goals and be happy and successful," Mortensen said. "When stuff like this happens, we have to spend those sacred funds, those taxpayer dollars; we have to spend that money to correct this stuff."

But Hyatt said his main concern was the safety of the kids.

"It's just super scary what we saw the students doing and how high they were climbing in different areas," he said.

Hyatt also talked about what it could've meant for the future if the district hadn't taken action this time.

"... [L]egally, there's a huge liability if you don't have consequences for these types of actions," Hyatt said. "If it were to be brushed under the rug, and then next year students do the same thing again, yet someone gets hurt in some way or worse, there is a massive liability that would be on the district's plate because they did not appropriately deal with the behavior the year before."

Hyatt explained why he took action instead of letting Hall deal with the issue internally.

"There are several board policies that relate to this type of activity when students or others come into a school building unauthorized and do damage," Hyatt said. "I have to take action, you can't just brush it under the rug, and one of the reasons for that is first of all our students and staff shouldn't have to deal with that in our school building."

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Hyatt spoke against the people who have said they don't see a problem with what the students did.

"People have to understand that this narrative that 'pranks' are okay or are right for somebody to do [is not right]," Hyatt said. "I think [it] speaks to how maybe we need to look at our society and how much crime there is in our community and really reflect on if we truly want to allow this type of activity in any building. A school building is a super important place for learning, it's not a place for this type of activity."

Hyatt said Gallup High is still working on cleaning up after the prank.

"I don't think we'll ever get the glitter out of the building," Hyatt said. "There's people who are allergic to that. I think there was some attempt to do some cutesy things, but it got out of hand."

THE KEYS

According to the police report, the students were able to get into the building because they obtained two sets of keys.

The keys that let the students into the school's exterior doors belonged to a softball coach.

According to a *Navajo Times* article published on April 13, the Lady Bengals' head softball coach Rayfert Spencer was fired because he had violated the district's safekeeping of equipment and supplies.

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“Mr. Spencer is a good coach, but he was grossly negligent and contributed to the incident,” Hyatt said. “From what I understand from the facts of the case, it was his own daughter who stole his keys. There’s no plan to rehire Mr. Spencer.”

Ciara Spencer is the daughter of Rayfert and Marsha Spencer. Her access to the keys is why Hall was originally only going to suspend her and not the other students.

Marsha said her husband had no idea Ciara stole the keys.

The police report states that another set of keys opened the interior doors for the students. Those keys belonged to a substitute teacher, and their whereabouts are currently unknown, hence the need for new door locks. The substitute teacher no longer works for GMCS.

TAKING LEGAL ACTION

Some of the parents of the suspended students are now accusing the district of not handling the situation correctly. Marsha is part of a group of parents who took legal action against GMCS because of the prank and how it was handled.

“My daughter has been punished unfairly, and the district did not follow their own policy,” Marsha said.

GMCS and the families met in District Court April 25. Marsha explained the outcome of the court dealings.

“After the judge [Louis DePauli Jr.] looked at all the exhibits presented by GMCS it was

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determined that everything that had been done up to that point had been inconsistent as far as the paperwork with the notice of hearing and trying to get due process,” Marsha said. “It was inconsistent.”

Marsha said DePauli called the district’s handling of the situation “defective and insufficient.” He said the district made a technical error, and that’s what led him to rule in favor of the parents and students.

“While we don’t fully agree with his ruling, we do respect it ...,” Hyatt said.

The parents who filed the lawsuit said the school district wasn’t communicating with them about their students’ disciplinary hearings.

Gervanna Begaye was another one of the parents who were a part of the lawsuit against GMCS. She said that the district didn’t communicate with her, or her son Khonannon At’Azhoon about when his disciplinary hearing would take place.

She also noted that they sent her incomplete documents about her son’s case and that the documents had incorrect information on them, such as the location of the hearing. It was reportedly one of the “technical errors” presented in the case.

The judge sided with the parents and students, and also noted that if the district had been following its own rules, the suspended students would have returned to school no later than April 15.

The judge also declared that the disciplinary hearings were not held in a timely manner. He ordered the district to comply with the rules the GMCS student handbook lays out.

After DePauli’s ruling on April 25, Begaye was told her son’s hearing with the district would be on May 4. Begaye said this was the first time she was made aware of the hearing date, as the

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school hadn't set one until after the ruling.

May 4 came and went, though. GMCS ultimately rescheduled the students' hearings. As a result, Begaye's son Khonannon At'Azhoon's disciplinary hearing is scheduled for May 11.

Not all of the students who were suspended for the prank will receive hearings.

Hyatt said that a majority of the students did not challenge the district's decision to suspend them.

"I applaud those who owned up to their mistake, parents and students, and I think that's good parenting and I think that's very adult of those students who are now going into the world as adults," Hyatt said.

Hyatt noted that the suspensions would not affect the students' graduation eligibility as long as they have enough credits to graduate. Gallup High's graduation ceremony is on May 19.

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