

**SALINE AREA SCHOOLS
SPECIAL MEETING OF THE BOARD OF EDUCATION**

MINUTES

Thursday, March 27, 2008

6:30 PM

1. **CALL TO ORDER** of the Special Meeting of the Board of Education Meeting of March 27, 2008, by Board President Lisa Slawson at 6:30 PM.

Board Members Present: Trudy Driscoll, David Friese, Paul Hynek, Bari Livsey,
David Medley, Lisa Slawson, and Kim Van Hoek

Central Administrators Present: Scot Graden, Betty Rosen-Leacher, and Tom Wall

2. **PLEDGE OF ALLEGIANCE**

3. **ITEMS OF INTEREST AND INQUIRY**

A. **Public**

Tim Heim, SEA President thanked the Board for their commitment to make our schools safe for everyone. He applauded their efforts to ensure that we have safe schools.

Tim Timoszyk, SEA Vice President also commended the Board on behalf of all the students and staff in the school district for their commitment to safety. He indicated that safety is by far the most important thing that we can give the students.

4. **REVISIONS/APPROVAL OF AGENDA**

MOTION made by Bari Livsey, seconded by Trudy Driscoll to approve the agenda as printed.

Ayes – All Present – **MOTION CARRIED**

5. **APPEAL OF SUPERINTENDENT'S DECISION**

MOTION made by David Friese, seconded by Kim Van Hoek to appoint Ray Davis of the Thrun Law Firm, P.C., to serve as Hearing Officer and to make evidentiary and procedural determinations on behalf of the Board of Education for the appeal of the Superintendent's Decision before the Board on Thursday, March 27, 2008.

Ayes – All Present – **MOTION CARRIED**

Mr. Ray Davis of Thrun Law Firm, P.C., introduced himself. He is Legal Counsel for Saline Area Schools and will be overseeing the hearing this evening. Mr. Davis asked if Mr. Graden was in attendance as well as the community member requesting the appeal. Mr. Graden indicated that he was in attendance, however, the community member was not nor were any members of his immediate family. Mr. Davis indicated that pursuant with Section 8(a) of the Open Meetings Act, Mr. Graden could request that this meeting be held in closed session. Mr. Graden so requested.

MOTION made by David Medley, seconded by Trudy Driscoll to enter closed session with the intent to reenter at 6:48 PM.

ROLL CALL VOTE

Trudy Driscoll – Aye
David Friese – Aye
Paul Hynek – Aye
Bari Livsey – Aye
David Medley – Aye
Lisa Slawson – Aye
Kim Van Hoek – Aye

Ayes – All Present – **MOTION CARRIED**

The Board of Education reentered open session at 6:54 PM.

Mr. Davis indicated that the Board received an email request from the community member to have this matter delayed until April 21st. The community member stated that he had a “scheduling conflict” but did not specify the specific nature of this conflict.

MOTION made by Bari Livsey, seconded by David Friese to not grant the continuance based upon the following:

1. A continuance had already been granted.
2. The community member was informed by a March 19th correspondence of the March 27th hearing date, but waited to request the continuance until nearly the last minute.
3. Board Members, Community Members, Witnesses, and the District’s attorney had rearranged their schedules to attend.
4. Given the seriousness of the allegations, the Board wished to consider them in a timely fashion.

5. Given the numerous email messages to all Board Members from the community member, the Board felt that they could appropriately consider the community members position concerning his appeal.

Ayes – All Present – **MOTION CARRIED**

Mr. Davis indicated that Mr. John Mullins was not present this evening with regard to his complaint against Mr. Scot Graden. Mr. Mullins was informed by Board President Lisa Slawson of the meeting date to hear his many assertions regarding Superintendent Graden's decision in response to previous interactions with Mr. Rob White, Athletic Director, and the Personal Protection Order (PPO) by the Washtenaw County Circuit Court.

Mr. Davis said that both the Administration and Mr. Mullins will have an opportunity to present their side. Mr. Mullins is not here tonight but the Board has multiple email correspondence from him summarizing his concerns about Superintendent Graden's decision to restrict him from Saline Area Schools property.

No strict rules of evidence will apply tonight and the testimony must be relevant. Mr. Davis will make determinations if certain information will be admissible as evidence. The Board may ask questions, however, no questions can be asked of the Board. After the hearing a written decision will be sent to Mr. Mullins.

Mr. Davis then asked the Board if each member felt that they were able to make a fair and impartial decision regarding the matter at hand.

ROLL CALL VOTE

Trudy Driscoll – Aye
David Friese – Aye
Paul Hynek – Aye
Bari Livsey – Aye
David Medley – Aye
Lisa Slawson - Aye
Kim Van Hoek - Aye

Superintendent Graden explained his decision about the events that prompted tonight's meeting. He went through the timeline related to the incidents. Superintendent Graden asked that a copy of Mr. White's incident report be brought into the record. Mr. Davis asked if a copy of this incident report had been provided to Mr. Mullins and Superintendent Graden indicated that it had. Mr. Davis accepted the incident report into the record.

Superintendent Graden asked Mr. White to step up to the Board table to summarize the information in question. Mr. White told the Board his account of the events that happened during the State Wrestling Tournaments on February 14 and 16 which led up to his obtaining the PPO and pressing charges against Mr. Mullins.

Board President Slawson asked Mr. White if he has seen Mr. Mullins on school property since the PPO went into effect. Mr. White indicated that he has been seen twice on school property by High School Principal, Ben Williams.

Superintendent Graden asked that a copy of the PPO be placed into the record – so moved and the PPO was admitted into the record per Mr. Davis. Mr. White was then excused from the table.

Superintendent Graden then submitted an email from Mr. Mullins dated February 18, 2008, regarding his thoughts on the incidents occurring February 14 and 16, 2008. Mr. Davis accepted this email response into the record.

Superintendent Graden then asked for the Pittsfield Police report being entered as evidence. Superintendent Graden indicated that he had a telephone conversation with Officer Marzelli who filed the police report. Mr. Davis allowed the report to verify the motivation of Superintendent Graden for the basis of his investigation however it should not be considered for the truth of the matter since no officer was here to authenticate it.

Superintendent Graden then asked that statements from Mr. Kevin Musson and Mr. Keith Schmidt who witnessed the events be submitted into the record. Once again, Mr. Davis allowed them submitted on the basis of his investigation however they should not be considered for the truth of the matter since they were not present to authenticate the information.

Superintendent Graden then read the February 19th letter which he sent to Mr. Mullins and the February 22nd communication with Mr. Mullins along with the attached PPO which was already admitted into record. He indicated that Mr. Mullins was served the PPO by the Police Department on February 23, 2008.

Mr. Davis asked Superintendent Graden if the PPO was a motivating factor for restricting Mr. Mullins from school property and he indicated that it was.

Superintendent Graden said that Mr. Mullins asserted to the Board of Education that they were disappointed with the Board. Superintendent Graden provided the policy to them with the terms and conditions to file a complaint.

Trustee Van Hoek inquired about what is the determining factor in obtaining a PPO. Mr. Davis indicated that the person issuing a PPO must be convinced that sufficient evidence exists and they must be convinced that the individual is in danger.

Superintendent Graden asked that Mr. Mullins email response of February 28th be entered into the record along with additional communication from Board President Slawson walking through the process of coming before the Board. Mr. Davis asked if Mr. Mullins received a full explanation of this process and Superintendent Graden indicated that he had in President Slawson's letter of February 29th which notified Mr. Mullins that the original hearing would be held on March 11, 2008.

Superintendent Graden indicated that Mr. Mullins has requested permission to attend several events, all of which have been denied. Superintendent Graden indicated that he requested that Mr. Mullins provide a 24 hour window before each request so that he can ascertain whether or not Mr. White would be present at any of the events. Mr. Davis asked if the restriction was carte blanche and Superintendent Graden indicated that each situation would be treated individually and his restriction was not necessarily carte blanche. He referred to an upcoming Board Candidate Night in which he notified Mr. Mullins on March 26, 2008 that he would be allowed to attend. He stated that he contacted Mr. White and asked him not to be present in order that Mr. Mullins could attend. He also noted that the PPO is only against Mr. Mullins and that his wife and family could attend any functions.

The last item brought into evidence are the charges currently pending against Mr. Mullins for assault and battery. Mr. Davis asked if there were any charges pending against Mr. White and Superintendent Graden indicated that there were not.

Trustee Van Hoek inquired about how charges get filed. Mr. Davis indicated that the police do an investigation and provide the prosecutor's office with the report. The prosecutor's office found that there is sufficient evidence to pursue charges.

Board President Slawson indicated that she has been in contact with Mr. Mullins through several letters and emails since February 28th.

Trustee Van Hoek asked if Mr. Mullins has entered school property after Superintendent Graden's letter and Mr. Davis indicated although this was a good question he objected on the grounds that the issue was Superintendent Graden's decision not to let him on school property which was in question.

Superintendent Graden thanked the Board and appreciated their taking the time to listen to the evidence and encouraged them to deliberate on it.

Mr. Davis then stated that since the Mullins were not in attendance would the Board like to take time to read the emails which were submitted as evidence. Trustee Van Hoek indicated that this was probably not necessary since they receive all the correspondence anyway and have reviewed them already.

Mr. Davis then cautioned the Board to only take into consideration the information presented here tonight on the basis of whether to restrict Mr. Mullins from Saline Area Schools property.

MOTION made by David Friese, seconded by David Medley to uphold Superintendent Graden's decision to restrict Mr. John Mullins from Saline Area Schools property.

Board President Slawson felt that Superintendent Graden has overwhelmingly proved this case. She indicated that they must take into consideration the evidence provided

by the Mullins family, they must also take into consideration the PPO and the criminal proceedings which were based on sound evidence.

Trustee Van Hoek concurs. She believes that since there was a PPO issued by a court system outside of Saline Area Schools and for the protection of one of our staff members it would be ludicrous not to take it seriously. Other charges have been brought against Mr. Mullins and it is the responsibility of the Board to protect our staff. Coming to school and being in a safe environment is the Board's job. She also noted that other members of the Mullins family were still able to attend functions.

President Slawson stated that she was saddened that this had to happen but the school must be a safe environment for every person that comes through the doors. People who come to our schools must feel that this is a safe place.

Trustee Friese indicated that he felt that the Board was legally bound to uphold the decision made by the court.

Trustee Hynek indicated that Superintendent Graden continues to evaluate their requests on a one-to-one basis and he felt this was handled the best way possible.

Trustee Livsey commended Superintendent Graden and Athletic Director, Rob White on the thorough, well documented investigation and the way it was handled. Trustee Driscoll concurred.

Mr. Davis suggested an amendment to the motion to read as follows:

MOTION made by David Friese, seconded by David Medley to deny Mr. John Mullins request to overturn Superintendent Graden's decision and to uphold Superintendent Graden's decision in this matter. Trustee Friese accepted the amendments, seconded by David Medley.

ROLL CALL VOTE

Trudy Driscoll – Aye
David Friese – Aye
Paul Hynek – Aye
Bari Livsey – Aye
David Medley – Aye
Lisa Slawson – Aye
Kim Van Hoek – Aye

Ayes – All Present – **MOTION CARRIED**

6. **PUBLIC COMMENT**

None at this time.

7. **ADJOURNMENT**

MOTION made by Trudy Driscoll, seconded by Paul Hynek to adjourn the Special Board of Education Meeting of March 27, 2008, at 8:10 PM.

Ayes – All Present – **MOTION CARRIED**

Respectfully submitted,

Paul Hynek, Secretary

By: Patti Waltz
Recording Secretary