

Cassopolis Public Schools
725 Center Street
Cassopolis, MI 49031
(269) 445-0500

Board of Education
Minutes
Special Meeting
December 17, 2018

This special meeting of the Cassopolis Board of Education was held on Tuesday, December 17, 2018 in the Board Meeting Room at Squires Education Center and began at 7:00 p.m. as President Ward welcomed those attending.

Members Present: Amanda Smego, Deb Deubner, Lisa Cutting, George Calvert, Scott Ward

Member Absent: Sue Horstmann, Jesse Binns

Also present: Dr. Angela Piazza, Robin Hadrick, Renee Manno, Matt Brawley, Geri Vlasticak, Cindy Martynowicz, staff members and community members

Lisa Cutting led the Pledge of Allegiance.

Approval of Agenda: **Moved by** George Calvert, **supported by** Amanda Smego to approve the agenda, as presented. **Motion carried** 5-0, as follows: Calvert, yes; Cutting, yes; Deubner, yes; Smego, yes; Ward, yes.

Approval of Minutes: **Moved by** Deb Deubner, **supported by** George Calvert to approve the minutes of the December 10, 2018 meeting, as written. **Motion carried** 6-0, as follows: Cutting, yes; Deubner, yes; Smego, yes; Calvert, yes; Ward, yes.

Public Comment: None.

Employee Termination Hearing under Section 1230d of the Michigan Revised School Code:

Dr. Piazza introduced the District's legal counsel who presented the District's case in this matter.

Robert Schindler explained the purpose of this hearing. Mr. Schindler then presented the District's evidence to the Board.

Edwin Johnson III, Mr. Mourning's legal counsel, then presented his client's defense of the matter and of Mr. Schindler's presentation.

Both Mr. Schindler and Mr. Johnson took additional time in their rebuttals to review certain points made by the other.

Mr. Schindler then gave the administration's recommendation to the Board, by reading the following resolution into the record:

CASSOPOLIS PUBLIC SCHOOLS
RESOLUTION

RESOLUTION TERMINATING THE EMPLOYMENT OF SPENCER MOURNING

WHEREAS, Spencer Mourning, is a tenured teacher employed by the Cassopolis Public Schools, and
WHEREAS, the Board of Education held a hearing on December 17, 2018, relative to whether Mr. Mourning was charged with a crime listed in 1535a(1) or 1539b(1) of the Revised School Code, MCL 380.1535a(1) and 380.1539b(1), and whether Mr. Mourning met his reporting obligations relative to any such charge under section 1230d(1) of the Revised School Code, MCL 380.1230d(1), and
WHEREAS, Mr. Mourning was given advanced notice of the hearing and an opportunity to appear and present his side of the story to a quorum of the Board of Education, and
WHEREAS, section 1535a(1), 1539b(1), and 1230d(1) of the Revised School Code list “any felony” as a crime that must be reported to the Superintendent of a school district within three business days of the arraignment of any school employee; and
WHEREAS, the Board of Education has determined that the facts presented during the December 17, 2018, hearing demonstrate that Spencer Mourning was, in fact, arraigned on two felony counts on November 28, 2018; and
WHEREAS, the Board of Education has determined that Spencer Mourning did not report those felony counts to the Superintendent of the School District until Thursday, December 13, 2018, after he had already been notified of the December 17, 2018, hearing; and;
WHEREAS, the Board of Education has the right under section 1230d(4) of the Revised School Code, MCL 380.1230d(4), to terminate Spencer Mourning’s employment for his failure to properly report his criminal charges.
NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby determines that Spencer Mourning violated section 1230d(1) of the Revised School Code, MCL 380.1230d(1), by failing to report his arraignment on two felony charges to the Superintendent within three business days; and
BE IT FURTHER RESOLVED, that the Board of Education hereby elects to terminate Spencer Mourning’s employment with the Cassopolis Public Schools effective immediately pursuant to section 1230d(4) of the Revised School Code, MCL 380.1230d(4), and
BE IT FURTHER RESOLVED, that the Superintendent of Schools or her designee be instructed to provide Spencer Mourning with a copy of this Resolution and a statement of his rights under Article IV of the Teachers’ Tenure Act by electronic mail as well as hand delivery or certified first class mail.

Mr. Ward then called for a vote.

Moved by Deb Deubner, **supported by** Lisa Cutting to approve the resolution, as read by Mr. Schindler. Roll call vote: Smego, no; Deubner, yes; Cutting, yes; Calvert, no, Ward, yes. **Motion failed** 3-2.

There being no further business to come before the Board of Education it was **moved by** George Calvert, **supported by** Deb Deubner to adjourn the meeting at 7:56 p.m. All in favor.

Susan Horstmann, Secretary