



MINUTES: SPECIAL MEETING OF THE BOARD OF EDUCATION
Qualifications of Trustee for Board Service
Wednesday, October 2, 2019

The **Special Meeting** of the Ypsilanti Community Schools Board of Education was called to order by President Dr. Celeste Hawkins at 7:04 p.m. The Pledge of Allegiance was recited, led by President Hawkins.

MEMBERS OF THE BOARD OF EDUCATION PRESENT

President Dr. Celeste Hawkins, Vice-President Brenda Meadows, Secretary Maria Sheler-Edwards, Treasurer Gillian Ream Gainsley, Trustee Ellen Champagne, Trustee Sharon Lee, Trustee Meredith Schindler

MEMBERS OF THE BOARD OF EDUCATION ABSENT: None

YCS LEGAL REPRESENTATION PRESENT: YCS Attorneys Roy Henley and John Kava

ACCEPTANCE OF AGENDA: Accepted as Presented
Motion by Lee, supported by Schindler

- *Sheler-Edwards* requests a discussion.
- *Hawkins* does not recognize request; Robert's Rules of Order calls for acknowledgment of the Chair, and the Chair will give you the floor.
- *Sheler-Edwards* recognizes the Chair, then requests to address the Board.
- *Hawkins* asks, before the Acceptance of the Agenda?
- *Sheler-Edwards* replies as a discussion item of the motion. She speaks of one Public Comment on the Agenda. The practice for special meetings is typically one Public Comment, not two. Requests consideration of adding a second Public Comment. She had reached out to the Superintendent previously and asked to add a second Public Comment to the Agenda. It may be worth conversation of the full Board to see if we want to provide the opportunity.
- *Hawkins* states Superintendent Zachery-Ross shared information with her, initially through Mrs. Gutzman. Typically, you would reach out ahead of the meeting so there is not a surprise at the Board table. Hawkins is not aware of any reason to add a Public Comment, particularly after a closed session. That has not been our practice. Comment to not add a second Public Comment if we do not have a reason.
- *Sheler-Edwards* comments controversial issues are not usual, the number of people in attendance tonight, and, a bias to greater public input. There was a time when we only had one Public Comment. When the appointed Board became the elected Board, one of the first things they did was to add a second Public Comment at the end of the agenda.
- *Hawkins* does not think it is necessary. Sheler-Edwards has not communicated with her. This information being shared at the table would have been helpful to have ahead of time. The recommendation is to go through the Agenda and deal with the business before the Board.

Action Recorded: ~~6/Yes; 1/No~~ -- See Correction in "Board Superintendent Comments" (below)
As Corrected: **5/Yes; 1/No**

DISCUSSION

Hawkins invites YCS Attorney John Kava to talk about pending legal issues the Board is facing.

John Kava comments there is a Discussion topic on tonight's Agenda. There is also Public Comment and Closed Session. Kava continues that he understands the Board has been served with a Summons & Complaint and Order for a Show Cause Hearing that is scheduled for October 9, 2019. As a result of the Summons & Complaint, the Order that had been entered and the Show Cause

Hearing scheduled for next week, the Board recognizes -- as we will go through discussions -- there is question of residency with respect to a Board member who was elected to the Board, and, whether or not that Board member continues to be a Board member, or, the seat is vacated. As a result -- the outstanding issue with respect to having a Show Cause Hearing -- typically the Board does not discuss pending litigation. There may be Public Comment related to that pending litigation, but most likely the Board will restrict its comments to that pending litigation until such time that it is completed -- which, at this time, is scheduled for October 9th. We will see where it goes from there. Most likely there will not be much comment in response back to Public Comment.

- *Hawkins* calls for other Discussion items from Board members.
- *Schindler*: Trustee Meadows, at our last meeting I asked you to resign. I went home, did research and I changed my mind. Looks forward to legal guidance. She apologized to Trustee Meadows.
- *Hawkins*: There is a lot of information in the community; some true, some false. The comments I want to make are specific to us as an eight member team. Last week I was surprised, as Board President, to have information shared that could have been shared privately or in some other way in order for us to address issues coming before us regarding residency. I reached out to Board members in August sharing what Brad Banasik (MASB) shared with all of us, so it was shocking that Board members brought this issue up at a Board meeting, violating the no surprises rule at the Board table. I have a colleague, at this table, who has refused to speak with me since I was elected Board President. I have sent numerous communications. I have been attacked, disrespected and my leadership has been undermined, and, this comment is not to all Board members, but it is definitely directed to Trustee Sheler-Edwards. I am not sure what happened in January other than I was elected Board President, so it feels personal. It feels as though being a black woman in a leadership position that I am under attack to have community members insert themselves in a process that is for the Board, and, instructing Board members to do things at the Board table. It seems our ethics policy is being called into question. I encourage Board members to review our ethics policy and our protocol as it relates to Public Comment. It seems we have the appearance as a divided Board. As leaders of the District, we have to model tenants of civility, collegiality and respect. As a Board member and in the Board President role, I have not been respected. This is a legal matter. The courts can work this out and I want us to move forward as an eight member team. We can not engage in behavior that is disrespectful, intimidating or harassing.
- *Ream Gainsley*: Responds to comments on previous conversation. I want to correct a couple things. The main thing is the Board did not bring this up at the last Board meeting. Community members brought this to us and conversation was initiated by community members. Several times it was said the Board brought this up, which is not strictly true. The second thing: you sent email in August saying there may be a residency issue, and, legal counsel advised us not to investigate the residency. I do respect you, so I called you and we had conversation about that email. I was concerned at that time you recognized a potential residency issue. I shared I was not comfortable being in a position where we stood in violation of our Bylaws. Bylaws state when you move out of District, your Board seat is vacant. I would be uncomfortable being in that position if this were the case. I asked if you thought we were in that position; that I would hope we would act on it. You said you had not investigated and you did not know if we were in that position. The reasons for my comments at the previous meeting were if we were presented with compelling evidence that a member was living outside the District, we would act appropriately on it. It was when community members brought it to us that we responded to information presented before us. To call that a surprise, though we had this conversation 1-1/2 months ago, I do not feel it was necessarily surprising. I think it is conversation we have had. Now, it is in the legal system and it will run its course.
- *Hawkins*: I call it a surprise, specifically, because I sent an email - we were texting -- to say have you seen the email? You communicated concerns about my response. I commented this is not my response; it is from Brad Banasik and then we had a phone conversation. I heard your concerns. We talked and I told you what information I received. You mentioned during that conversation that you wanted to uphold the Bylaws and Oath of Office. Again, I reached out to Brad Banasik asking him specifically about violation of Bylaws and the Oath of Office. I sent you a message stating, specifically, that he commented Board Bylaws and Oath of Office are not being violated. Your response was "Okay, thanks." To me this was a closed matter and it would not come up again.

So it is a surprise when you do not express concerns prior to a meeting. I understand this was brought up by a community member. I also understand Board members have conversation with community members during Board recess as we are going through this process. It looked odd that a community member is asking the Board to open up a search, create a motion, then urges you, and then, that is exactly what happened. Our ethics policy specifically says that we do not -- until we have all facts -- give our independent judgment to special interest groups or members of the community. And that is what happened.

PUBLIC COMMENTS: *Mark Wilde* comments on a motion made at the meeting last week, and, address checks/Board member residency. *Amanda Smith* commented on Board teamwork and this legal matter. *Andrew Fanta* comments on: 1) qualifications to be a Board member; 2) a motion made at the last meeting; 3) a Writ of Mandamus; 4) the court and a Temporary Order; 5) motions filed by himself | *Mark Wilde* | and *Herman Humes* - as lead petitioners; 6) 52 signatures they have; 7) State law, and; 8) the home exemption. *Lavada Weathers* comments on: 1) her residency in the District; 2) her work with Trustee *Sheler-Edwards* during Consolidation to join *Ypsilanti Public* and *Willow Run* schools together; 3) the vested interest of an educational system; 4) racism; 5) the courts/residency; 6) Board member contact with *Mr. Fanta* who is an attorney, and; 7) the business of our students' education. *Daicia Price* comments on: 1) this issue; 2) her experience at a Board meeting a few months ago - including Board behavior - regarding the middle school alternative program; 3) a special meeting for more than one residence instead of about children, and; 4) oppressive behaviors/systems and racism.

President Hawkins Response: Comments on a motion made/was not accepted. The Chair was not recognized. When a motion is made, the Chair must be recognized and then the person is given the floor. The Chair was not recognized and if the Chair is not recognized, it is not a valid motion. That is clear in Robert's Rules of Order.

REQUEST FOR CLOSED SESSION - Section 8(e) OMA, Pending Litigation

Hawkins informs there is a NEW motion; disregard the motion included in the Board packet. We will read a different motion because of pending litigation.

NEW MOTION: MOTION TO enter into Closed Session under Section 8(e) of the Michigan Open Meetings Act so that the Board and parties may discuss the pending case of *Fanta v. Ypsilanti Community Schools*. A Closed Session is necessary because it would not be in the Board's best interest to discuss litigation strategy in public.

~~Original Motion: MOTION TO convene in closed session under Section 8(h) of the OMA to consider an Attorney-Client Privilege matter.~~

Motion by Champagne, supported by Lee

Roll Call Vote: 6 Yes/1 Abstain

Yes: Ream Gainsley, Champagne, Lee, Schindler, Sheler-Edwards, Hawkins

Abstain: Meadows

The meeting was called to closed session at 7:35 p.m. The meeting reconvened to open session at 8:28 p.m.

OTHER: None

BOARD/SUPERINTENDENT COMMENTS


- *Sheler-Edwards:* Reflecting back to the beginning of this year when Board officials (President, Vice-President, etc.) were voted in, votes were in support of each other with unanimous votes for each official. One of the first things the Board President did was negotiate a contract for our new Superintendent. There were a couple of congenial phone conversations, as I recall, with President *Hawkins* on support for *Zachery-Ross*. Typically, a Superintendent contract is for three years. School law states the maximum is a five-year contract; I wanted to see this happen. We both supported *Zachery-Ross* as the Board worked together to solidify leadership. Responding to those who believe I have not been respectful, I recognize I am a white woman in a white majority culture that comes with privilege. Around matters of race, I want to take a humble stance. This work is important to me, including as a representative of this District and the children in *Ypsilanti* ... every single child.

- *Champagne* inquires on correcting a vote, and the need to do it publicly.
- *Lee* confirms.
- *Hawkins*: Mrs. Gutzman there is **a vote for the Acceptance of the Agenda (above); it should read 5/1 instead of 6/1**. It has been difficult to sit in the seat of Board President and have a colleague ... it is fine to say it now while under pressure from community members who are saying things, but for me it feels like it is a response that needs to be had because of everything happening right now. Any Board member can reach out to me at any point. To refuse and be disrespectful to me as Board President, you have told me flat out, Trustee Sheler-Edwards, that you do not want to talk with me. You disrespected me at a meeting/after a meeting when I tried to speak to you and you were dismissive. Nothing changed except I became Board President. When Sharon Irvine was Board President, this never happened. The only thing I can point to is I am a black woman in a leadership position and your privilege and power tells you that you can treat me disrespectfully. This is unacceptable. It is unacceptable for any Board member to think, based on their power and privilege ... because this residency issue is really what is at play. Every Board member had the same information and no one reached out to me, including you, to discuss this. No Board member went to our colleague and asked her about this. Instead, Trustee Sheler-Edwards, you and Trustee Gainsley went to the Superintendent. You never contacted me. Trustee Gainsley did not contact me directly; Alena told me. This is a problem. Race is an issue. We have a District in which we serve over 67% African American students. Being in positions of leadership at this highest level, we are demonstrating to our kids that we spend more time on adult issues in wanting to remove/vacate a member from the Board. We do not talk this much about student achievement or culture/climate. Right now, we are all under the gun because we have pressure from outside forces. It is unethical for Board members to be in conversation with community members -- to be taking cues from community members about what we should do next: put a motion on the floor, let us huddle up, let us talk. This is what I saw at the meeting. That is one reason we are here today. I am realistic about the fact that it sounds good to say it here, publicly. Our actions have to match our words because what we do/what we say ... it matters. Nothing else is at play except power and privilege from Board members and community members who have disrespected me. You do not sit in the seat of a black woman. That is what power and privilege means, that you do not have to -- that you can question colleagues at the Board table and not even allow due process. I am disappointed we all have to spend time addressing a matter that should not have been addressed at this Board table. I respect every person on this Board. I reach out, I talk to every person on this Board. I keep each person informed of each issue. As Board President, I have been respectful. To be disrespected is inexcusable.
- *Meadows* thanks those who voted for her as an elected official. She appreciates the position of being an elected official. She has been elected by this public to serve these students. Her motive for being on the Board is to serve the student body.
- *Ream Gainsley*: Addresses the reasoning behind speaking to the Superintendent. Our job, as Board members, is to be the ears and to listen to constituent complaints. You do not take it to the Board, you do not make it a Board issue. You inform the Superintendent if it is a District level issue. If a school level issue, you encourage talking to the teacher/principal. I swore to uphold the laws of the State and the Constitution. My only motivation was to say I heard this complaint; I want you to be aware of it. If this were an unjust law -- to have someone live outside the District serve as an elected official in that District -- I would fight against it, but I think, in concept, it is a good law. People should live in the community they represent. It is Michigan law. The only action I have taken is to make sure this Board is doing things on the up and up. At this point it is in the hands of the court; they will decide. I can not take an accusation and not inform the Superintendent.
- *Hawkins*: I appreciate you saying you felt it was your duty to take it to Superintendent. Board matters should be taken to the Board President. This was a Board matter. This was not a District matter and you did not come to me directly with this information.
- *Ream Gainsley* apologizes.
- *Hawkins*: The implication in the community is somehow President Hawkins has been sitting on information for months and has done nothing about it. That is an attack on my character and integrity. I absolutely will follow law. I absolutely did my due diligence. I do not hear that narrative anywhere in the community. I am not on social media, but I know there are many

platforms with information that is not factual. As Board members, we have responsibility that if we have friends and colleagues, we should fact check and tell them "no this did not happen", or, "this did happen". Instead, we allow things to take root that are untrue. You say you brought this to the Superintendent because you thought it was who you should take it to. As a Board member, this was a Board issue. It was direct attempt to undermine me and my leadership. There is no other reason why you never called me about it. I did due diligence and sent all the same information. No one before Monday, September 23rd came to me to say this was still an issue. Not one Board member. So the no surprises violation did happen. We are focusing on an issue that has nothing to do with kids. This is an adult issue. We have mechanisms that could have handled this in a number of different ways. There was choice and intentionality on how this was brought out.

- *Ream Gainsley* apologizes for not bringing this to Hawkins first. Her understanding of the issue, at that time, was that it was a District issue and it concerned being brought to her. It was not until the email that she realized it was a Board issue.
- *Hawkins*: It is a Board member. How is this a District issue?
- *Ream Gainsley*: I am new here, but that was my understanding and I apologize.
- *Hawkins*: You say you are new, but you were at our meeting on the 23rd as though you were a prosecuting attorney yourself, with all the facts you laid out and what we should do. As a Board member, new or not, we should seek to understand rather than be misunderstood and we should assume positive intention.

Meeting Adjourned: 8:48 p.m.

Minutes Prepared by: P. Gutzman 

Date Approved: November 4, 2019



Maria Sheler-Edwards, Secretary
Board of Education
Ypsilanti Community Schools