

STATE OF MICHIGAN
STATE TENURE COMMISSION

BRYAN PURCELL,

Appellant,

vs.

Docket No.

**BOARD OF EDUCATION OF THE
DEARBORN PUBLIC SCHOOLS,**

ALJ Hon.

Appellee.

Deborah K. Schlussel (P56420)
LAW OFFICES OF DEBBIE SCHLUSSEL
Attorney for Appellant

CLAIM OF APPEAL

Appellant, Bryan Purcell, by and through his attorney, Deborah K. Schlussel, hereby submits his Claim of Appeal through which he petitions for hearing and appeals the action of Appellee Board of Education of the Dearborn Public Schools and, as a basis, alleges as follows:

I. JURISDICTION

1. Appellant is a “certificated teacher” within the meaning of Article 1, Sections 1 and 2 of the Michigan Teachers’ Tenure Act, MCL 38.71, *et seq.*

2. Appellee Board of Education of the Dearborn Public Schools is a “controlling board” within the meaning of Article 1, Section 3 of the Michigan Teachers’ Tenure Act.

3. Appellant is employed by Appellee Board and has obtained tenure status in Appellee School District.

II. FACTS

1. Appellant has been employed for a number of years as a teacher by Appellee Board.
2. On or about May 17, 2011, Dearborn Public Schools' Superintendent Brian Whiston filed tenure charges with Appellee Board against Appellant, the cover letter of said filing attached as "Exhibit A."
3. On May 23, 2011, Appellee Board voted to proceed upon the charges pursuant to the Teachers' Tenure Act.
4. On June 3, 2011, Appellant received notice regarding Appellee Board's said vote pursuant to the Teachers' Tenure Act, the cover letter of said notice attached as "Exhibit B."

III. ASSIGNMENTS OF ERROR

Appellee Board of Education has erred in that:

1. Appellant's discharge is not supported by reasonable and just cause pursuant to the provisions of the Michigan Teachers' Tenure Act, MCL 38.101.
2. The allegations made in support of Appellant's discharge are false.
3. Even if some of the allegations were true, they do not meet the legal standard for discharge established by the State Tenure Commission, and the penalty of discharge is excessive.
4. Even if some of the allegations were true, Appellee Board's suggested penalty constitutes disparate treatment.
5. Appellee Board's discharge of Appellant was made for unlawful and discriminatory reasons outside the scope of and not supported by reasonable and just cause pursuant to the provisions of the Michigan Tenure Act, MCL 28.101.

6. Appellee Board's actions and inactions are conclusive evidence that Appellant's performance was satisfactory, pursuant to the Michigan Teachers' Tenure Act, MCL 38.101.

7. Appellee Board's action against Appellant is taken in retaliation for Appellant's protected and lawful conduct.

8. Appellant reserves the right to advance additional assignments of error as they are learned through the hearing process of this Commission.

IV. RELIEF

WHEREFORE, Appellant Bryan Purcell respectfully requests that this Commission:

A. Grant him a hearing in accordance with the provisions of the Michigan Teachers' Tenure Act.

B. Find that Appellee Board violated Appellant's rights as set forth in the assignments of error in Part III of this Claim of Appeal.

C. Order Appellee Board to immediately reinstate Appellant and otherwise make him whole.

D. Grant such other relief as is just and equitable under the circumstances.

V. ATTACHMENTS

As previously stated herein, the tenure charges and notice of Appellant's rights under the Teachers' Tenure Act are attached as "Exhibit A. The Board's decision to proceed on the tenure charges is attached as "Exhibit B."

Respectfully submitted,

LAW OFFICES OF DEBBIE SCHLUSSEL
Attorneys for Appellant

By _____
Deborah K. Schlusser (P56420)

Dated: August 5, 2011