

Briefing Document: The Cyndi Berger Premises Ban Appeal

Briefing Document: The Cyndi Berger Premises Ban Appeal

[NoteBookLM AI Podcast "Click Here"](#)

Executive Summary

This document provides a comprehensive analysis of the events leading to, and the appeal of, a six-month premises ban issued to parent Cyndi Berger by Shawnee Public Schools (SPS). The ban originated from a brief verbal interaction at a Shawnee High School football game on October 31, 2025. The core of the dispute rests on two starkly conflicting narratives.

The SPS administration, led by Superintendent Dr. Jason James, characterized the event as a "sustained disruption" where Ms. Berger was "aggressive" and "berating" staff, creating a safety concern that required the intervention of multiple administrators and police. This narrative formed the basis for the six-month ban, which was ultimately upheld by the Board of Education.

Conversely, Ms. Berger and supporting documents portray the incident as a calm, 15-20 second policy inquiry that was escalated by an unprofessional remark from an administrator. This perspective argues the administration's response was disproportionate, procedurally flawed, and based on a series of contradictory and unsupported factual claims. Key points of contention include the incident's duration, the behavior of the involved parties, the presence of key witnesses, and the district's failure to produce requested surveillance footage. A motion by a board member to reduce the ban failed for lack of a second before the final vote upheld the superintendent's recommendation.

1. The Incident of October 31, 2025: Conflicting Accounts

The premises ban stems from an interaction between Cyndi Berger and SPS administrator Michelle Wallace at the Shawnee High School football stadium during Senior Night.

Initial Interaction and Escalation

- **Trigger:** Ms. Berger approached Ms. Wallace, who was seated at a costume contest registration table, to ask about the policy requiring parents to pay an entry fee for Senior Night. Ms. Berger stated she approached Wallace "because I knew her as an administrator" and saw her "sitting by herself at the table."

- **Alleged Escalation:** The provided case file documents that Ms. Wallace admitted in a written statement to making a sarcastic remark to Ms. Berger: "Are you ever happy?" This is presented as the primary escalating factor.

Briefing Document: The Cyndi Berger Premises Ban Appeal

- **Behavioral Characterization:** The administration's letters and testimony describe Ms. Berger's conduct as "aggressive," "berating," and constituting "verbal abuse." In contrast, Ms. Berger's account maintains the inquiry was calm. No source documents any profanity or physical threats.

Dispute Over Incident Duration

The length of the interaction is a central point of conflict and is crucial to the administration's claim of a "sustained disruption."

Source	Claimed Duration of Interaction
Michelle Wallace	"probably 3 to 5 minutes"
Dr. Jason James	"about three minutes" (from the time he was alerted to the time Ms. Berger was asked to leave)
Cyndi Berger	15–20 seconds
John Berger (Witness)	10–15 seconds

2. Administrative Response and Justification

The response from SPS administration involved multiple personnel and culminated in the recommendation for a six-month ban.

Superintendent's Involvement

- Dr. James testified that he was not a direct witness to the initial interaction. He was in the Bishop Kelly locker room "having a conversation about the good old days" when he was summoned via radio to "Avidas Plaza."
- His journey to the location involved waiting for a police officer to unlock a gate, a travel time later factored into his overall estimate of the incident's duration.
- Upon arriving, Dr. James stated his first observation was "Miss Burgers having a disagreement with Michelle."

Assessment of Disruption

Dr. James described a scene of significant disruption, claiming:

- He witnessed "a grandma and her grandchild, who was trying to sign up for the Halloween costume, scoop him up and just turn and immediately walk out of the stadium." This claim is not corroborated by any other witness statement in the provided documents.

Briefing Document: The Cyndi Berger Premises Ban Appeal

- The situation required an SRO, a school security guard, an athletic director, a superintendent, and an executive director of education "to stop doing what they were scheduled to do for the game and react to this situation."
- When asked about the rubric used to determine "disruptive conduct," Dr. James stated, "we don't we don't have a formal rubric written down. We don't."

Offers to Meet

During the hearing, Dr. James claimed he repeatedly invited Ms. Berger to resolve her policy concerns in a formal setting. He testified that for each issue Ms. Berger raised (admission policy, student ticket fees), he deemed the stadium plaza an inappropriate venue and "would invite her to come to my office to have those conversations." He stated these "three separate opportunities... were from that single conversation." The case file documents strongly contradict this, labeling it a "false claim" unsupported by any other witness or evidence.

3. The Board of Education Appeal Hearing

The appeal hearing featured testimony from Dr. James, Michelle Wallace, and Cyndi Berger, revealing several factual inconsistencies before the Board voted on the superintendent's recommendation.

Key Testimonies and Contradictions

- **Presence of Amanda Johnson:** Dr. James stated that administrator Amanda Johnson was present, "walking back and forth, from the front gate to the table." However, he noted that a statement was not included from Ms. Johnson due to the "part time nature of the district." The case file alleges that no other witness, including Ms. Berger and her husband, corroborates Ms. Johnson's presence.
- **Impact on Bystanders:** Ms. Wallace testified that the situation was "drawing attention" and that "a parent come back and ask me if I was okay afterwards." She stated the interaction was not "just a low discussion."
- **Previous "Balloon Incident":** In the context of whether the disruption was more than a "momentary lapse of judgment," a board member referenced Ms. Berger's statement that she "tried to bring balloons in, was not allowed to bring balloons and had to take the balloons back down to her car." This was framed as part of a pattern.

Briefing Document: The Cyndi Berger Premises Ban Appeal

Board Motions and Final Vote

The Board of Education took two votes regarding the directive against Ms. Berger.

1. **Motion to Amend:** A motion was made "to amend the directive to change the time period from six months to two months and effective November 1st, 2025."

- **Result:** The motion did not receive a second and therefore failed.

2. **Motion to Accept Recommendation:** A motion was made "that we accept the recommendations [of the] Superintendent."

- **Result:** The motion was seconded by Jean Sweeney and passed.

- **Vote Tally:**

- **Yes:** Clifford, Russ Oliver, Jean Sweeney, Mindy Hill House
- **No:** Turner Bass

4. Evidentiary and Procedural Issues

The provided case file outlines numerous issues related to evidence, due process, and the consistency of the administration's narrative.

Evolving Justifications

The case file alleges that Dr. James's justification for the ban shifted and expanded over time across multiple documents issued between November 3 and November 10, 2025. New claims regarding "three opportunities to meet" and the presence of specific witnesses were reportedly added in later communications and testimony.

Withheld Surveillance Footage

A critical procedural issue highlighted is the failure of SPS to provide surveillance video.

According to the case file:

- Ms. Berger made repeated formal requests for the footage.
- The video was never provided to her or presented during the Board hearing.
- The Board did not acknowledge the requests or demand the evidence be produced.

Briefing Document: The Cyndi Berger Premises Ban Appeal

Summary of Contradicted Administrative Claims

The case file presents a matrix of conflicting statements. The following table summarizes the most significant contradictions.

Issue	Administrative Claim(s)	Contradictory Evidence / Account
Duration	3-5 minutes; a "sustained disruption."	Witness accounts state 15-20 seconds. Dr. James's own timeline includes his walk from the locker room.
Escalation	Ms. Berger was "aggressive" and "berating" staff.	Administrator Michelle Wallace admits to making a sarcastic remark ("Are you ever happy?").
Witness Presence	Dr. James claimed administrator Amanda Johnson was present.	No other witness corroborates this; the claim is asserted to be "invented during hearing."
Meeting Offers	Dr. James claimed he made three offers for a meeting in his office.	No witness corroborates this claim; the timeline makes it "factually implausible."
Crowd Reaction	Dr. James claimed a grandmother and child "fled" the scene.	Uncorroborated by any other witness or evidence.
Refusal to Leave	Ms. Berger refused directives.	Ms. Berger states she only asked "For what reason?" before complying peacefully. This is characterized as protected speech, not refusal.

NotebookLM can be inaccurate; please double check its responses.