

October 7, 2016

The Clark-Shawnee Local Board of Education met in special session on October 7, 2016 at the Clark-Shawnee Administrative Office, 3680 Selma Rd., Springfield, Ohio 45502. The meeting was called to order at 7:00 a.m. by President DeHart. Those answering the roll by Mr. Faulkner:

Mr. Barnes  
Mrs. Garrett  
Mrs. Pierce  
Dr. Page  
Mr. DeHart

Also present: Mr. Gregg Morris, Superintendent  
Mr. Brian Kuhn, Asst. Superintendent

All stood and recited the Pledge of Allegiance.

Acceptance of Agenda (2016-747)

Mrs. Garrett moved to accept the agenda.  
Mrs. Pierce seconded the motion.  
Ayes: Garrett, Pierce, Page, DeHart, Barnes  
The President declared the motion carried.

Executive Session (2016-748)

Mr. DeHart moved to go into Executive Session under Ohio Revised Code 121.22 [G] for the purpose of personnel discipline, compensation of a public employee and imminent court action at 7:03 a.m.

Mrs. Pierce seconded the motion.  
Ayes: Pierce, Page, DeHart, Barnes, Garrett  
The President declared the motion carried.

Mr. DeHart declared the Board back in regular session at 7:45 a.m.

Dr. Page moved to accept the following

Resolution to Terminate the Nonteaching Contract of Kevin Williams (2016-749)

WHEREAS, Ohio Revised Code Section 3319.08.1 provides that a nonteaching employee may be terminated by a majority vote of the board of education for the

employee's violation of written rules and regulations as set forth by the board of education, or for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, or nonfeasance; and

WHEREAS, the Clark-Shawnee Local School District Board of Education ("Board") employs Kevin Williams ("Williams") in the position of custodian under a nonteaching contract pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, on September 30, 2016, Williams was notified in writing that he was being placed on paid administrative leave effective immediately as a result of being taken into custody by local law enforcement pertaining to admissions Williams made to law enforcement that Williams took student medications secured at Reid School that did not belong to Williams and that Williams was not authorized to take; and

WHEREAS, on September 30, 2016, Williams was notified in writing that he was entitled to a pre-termination hearing before the Superintendent regarding the matters reflected in the notice, with the pre-termination hearing to occur on October 3, 2016; and

WHEREAS, upon Williams's request, the pre-termination hearing before the Superintendent scheduled for October 3, 2016, was rescheduled to October 6, 2016; and

WHEREAS, Williams did not appear for the rescheduled pre-termination hearing on October 6, 2016 before the Superintendent; and

WHEREAS, following the pre-termination hearing, on October 6, 2016, the Superintendent issued on Williams written notice of intent to terminate Williams's non-teaching employment contract with the District pursuant to R.C. §3319.081 on the following grounds:

-During the week of September 26, 2016, Williams was observed gaining unauthorized access to the nurse's area in Reid School after the School's operational hours, but during Williams's regular work shift as custodian. This area of Reid School is not within Williams's assigned duties as custodian in the School. Upon Williams's unauthorized access to the nurse's area in Reid School, student medications went missing and unaccounted for. In response to questioning from law enforcement about this matter, Williams admitted to taking these medications for Williams's use;

-On September 30, 2016, Williams was criminally charged in the Clark County Municipal Court with theft, a felony in the fourth degree, in violation of Ohio Revised Code Section 2913.02A1;

-The above-mentioned matters constitute violations of written rules and regulations of the Board (to wit Administrative Guideline 533), as well as dishonesty, misfeasance, malfeasance and nonfeasance, all of which are statutory grounds for termination of Williams's non-teaching employment contract with the District pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, also in the October 6, 2016, notice of intent to terminate, Williams was notified in writing that he was entitled to a due process hearing before the Board in executive session at the Board's special public meeting on October 7, 2016; and

WHEREAS, Williams did not attend the due process hearing before the Board at its special public meeting on October 7, 2016, and had a full opportunity to be heard on the allegations as stated above which serve as the basis for the Superintendent's recommendation to the Board that Williams's employment contract with the District be terminated pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, the Board has reviewed and fully considered the recommendation of the Superintendent regarding these matters, as well as all evidence and testimony presented to the Board regarding these matters; and

WHEREAS, the Board has determined upon said review and consideration that the conduct of Kevin Williams as set forth in the grounds for the Superintendent's intent to terminate Kevin Williams's non-teaching employment contract with the District, as well

as set forth above, constitutes violations of written rules and regulations of the Board, dishonesty, misfeasance, malfeasance and nonfeasance;

NOW THEREFORE BE IT RESOLVED that pursuant to Ohio Revised Code Section 3319l.081, the Clark-Shawnee Local School District Board of Education hereby acts to accept the Superintendent's recommendation to terminate the nonteaching employment contract of Kevin Williams effective immediately on the grounds of violations of written rules and regulations of the Board, and for conduct which also constitutes dishonesty, misfeasance, malfeasance and nonfeasance, to wit:

-During the week of September 26, 2016, Williams was observed gaining unauthorized access to the nurse's area in Reid School after the School's operational hours, but during Williams's regular work shift as custodian. This area of Reid School is not within Williams's assigned duties as custodian in the School. Upon Williams's unauthorized access to the nurse's area in Reid School, student medications went missing and unaccounted for. In response to questioning from law enforcement about this matter, Williams admitted to taking these medications for Williams's use;

-On September 30, 2016, Williams was criminally charged in the Clark County Municipal Court with theft, a felony in the fourth degree, in violation of Ohio Revised Code Section 2913.02A1;

BE IT FURTHER RESOLVED that the Clark-Shawnee Local School District Board of Education hereby directs its Treasurer to issue written notice of this action forthwith to Kevin Williams by certified U.S. mail, and further directs its Superintendent and Treasurer to resolve any remaining items under the administration's control with respect to the employment of Kevin Williams with the Clark-Shawnee Local School District.

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Superintendent

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President

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Treasurer

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Vice-President

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Member

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Member

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Member

Mrs. Garrett seconded the motion.  
Ayes: Page, DeHart, Barnes, Garrett, Pierce  
The President declared the motion carried.

Dr. Page moved to accept the following

Memorandum of Understanding (2016-750)

Documented agreement with respect to Competition Cheerleading Supplemental Position, High School Football Cheerleading Supplemental Position, and Negotiated Rates of Pay for the High School Basketball Cheerleading Supplemental Contract for the 2016-2017 and 2017-2018 contract years.

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Superintendent

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President

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Treasurer

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Vice-President

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Member

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Member

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Member

Mrs. Garret seconded the motion.  
Ayes: DeHart, Garrett, Pierce, Page  
Abstention: Mr. Barnes  
The President declared the motion carried.

Adjournment

Mrs. Garrett moved to adjourn the meeting at 8:29 a.m.  
Mr. Barnes seconded the motion.  
Ayes: Barnes, Garrett, Pierce, Page, DeHart.  
The President declared the motion carried.

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President

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Treasurer