

December 12, 2019

The Clark-Shawnee Local Board of Education met in regular session on December 12, 2019 at Reid School located at 3640 E. High St., Springfield, Ohio 45505. The meeting was called to order at 7:00 p.m. by President Garrett. Those answering the roll by Mr. Faulkner:

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

Also present: Mr. Brian Kuhn, Superintendent
Mr. Brian Masser, Asst. Superintendent

Visitors: Chris Campbell Kyle Phelps Donna DeHart Cynthia Barnes

All stood and recited the Pledge of Allegiance.

ACCEPTANCE OF THE AGENDA (2019-1030)

Dr. Page moved to accept the agenda and addendum as presented.

Mr. DeHart seconded the motion.

Ayes: Garrett, Pierce, Page, DeHart, Barnes.

The President declared the motion carried.

NOMINATION OF CTC BOARD REPRESENTATIVE (2019-1031)

Mrs. Pierce nominated Dr. Susan Page as representative to the Springfield Clark Career Technology Center Board of Education for a term of two years.

Mr. DeHart seconded the motion

Ayes: Pierce, Page, DeHart, Barnes, Garrett.

The President declared the motion carried.

ACCEPTANCE OF CONSENT CALENDAR – FINANCIAL (2019-1032)

Mr. Barnes moved to approve the following

1. Signing of the Minutes of the Previous Meeting
2. Treasurer's Report and Condition of the Funds
3. Monthly Bills and Allowance of those that are in Order
4. Appropriation Modification

5. Permission to transfer from the 003 PI Fund to the 034 Maintenance Fund in the amount of \$171,908.

Mr. DeHart seconded the motion.

Ayes: Page, DeHart, Barnes, Garrett, Pierce.

The President declared the motion carried.

ACCEPTANCE OF CONSENT CALENDAR – PERSONNEL (2019-1033)

Mrs. Pierce moved to approve the following.

Resignations

To accept Ms. Valerie Patrick, Assistant Transportation Supervisor, letter of resignation for the purpose of retirement effective December 31, 2019.

To accept Mr. Jimmie Risner, Substitute Custodian, letter of resignation effective December 9, 2019.

Employment

Support Staff

To employ Ms. Ashley Gossett as Clinic Aide/STNA for the 2019-2020 school year. [Current Assignment: Possum School]

To employ Ms. Elisabeth Appis as AM latchkey aide for the 2019-2020 school year effective January 6, 2020. [Current Assignment: Rockway School]

Additional Duty Support Staff

To employ Mr. Pat Matthews as Middle School Wrestling Coach for the 2019-2020 school year. Mr. Matthews is a lay coach.

To employ Mr. Wes Miller as Co-Assistant Varsity Wrestling Coach for the 2019-2020 school year. Mr. Miller is a lay coach.

To employ Mr. Dave Myers as Co-Assistant Varsity Wrestling Coach for the 2019-2020 school year. Mr. Myers is a lay coach.

Non-Paid Leave

To approve Mrs. Kimberly Milliron, Secretary at Possum School, request for one-quarter [1/4] day non-paid leave on December 13, 2019.

Contract Amendment

To approve Mr. Jacob Mattern's contract [Transportation Supervisor/Driver] amended to Transportation Supervisor for the 2019-2020 school year effective January 1, 2020.

Mr. DeHart seconded the motion.

Ayes: DeHart, Barnes, Garrett, Pierce, Page.

The President declared the motion carried.

Acceptance of Consent Calendar-Miscellaneous (2019-1034)

Mrs. Pierce moved to approve the following.

Business Advisory Council with Clark County ESC (2019-1035)

WHEREAS, Ohio Revised Code Section 3313.82 requires the board of education of each school district to appoint a business advisory council, except that a school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center is not required to appoint a council if the school district and educational service center agree that the educational service center's council will represent the business of the district; and

WHEREAS, the Clark-Shawnee Local School District Board of Education ("Board") is in an agreement under Ohio Revised Code Section 3313.843 to receive services from the Clark County Educational Service Center for the 2019-2020 school year; and

WHEREAS, the Clark County Educational Service Center ("Center") has appointed a business advisory council for Clark County school districts for the 2019-2020 school year;

NOW, THEREFORE BE IT RESOLVED, that the Clark-Shawnee Local School District Board of Education ("Board") hereby authorizes and agrees that the business

advisory council for the Clark County Educational Service Center (“ESC”) will represent the business of the Clark-Shawnee Local School District for the 2019-2020 school year;

BE IT FURTHER RESOLVED that through this authorization and agreement, the Board expects that the business advisory council for the ESC will advise and provide recommendations to the Board on matters specified by the Board including, but not necessarily limited to, the delineation of employment skills and the development of curriculum to instill these skills, changes in the economy and in the job market, and the types of employment in which future jobs are most likely to be available, and suggestions for developing a working relationship among businesses, labor organizations, and educational personnel.

Board Policies

To approve Mr. Brian Kuhn, Superintendent, recommendation for approval of policies 1310, 1340, 1615, 2431, 3215, 4215, 5113.02, 5200, 5230, 5350, 5460, 5512, 7300, 7434, 7440.03, 8462, & 8500.

OSBA Membership

To approve Mr. Brian Kuhn, Superintendent, recommendation to the continuation of the OSBA membership.

Approval of the 2020-2021 School Calendar

To approve the 2020-2021 School Calendar as presented during the public hearing held at the regular school board meeting on November 19, 2019.

Resolution to Amend Easement and Right of Way Agreement, License Agreement, and Construction Release with Columbia Gas (2019-1036)

WHEREAS, Ohio Revised Code Sections 3313.33 and 3313.37 authorize a board of education of a local school district to enter into contracts and specifically to make all other necessary provisions for the schools under its control; and

WHEREAS, Ohio Revised Code Section 3313.37 also authorizes a board of education of a local school district to acquire land by gift or devise; and

WHEREAS, official records of the County Clerk's Office for Clark County, Ohio, in Deed Book 1638, Page 1925, indicate that by way of deed dated October 6, 2003, the Clark-Shawnee Local School District Board of Education ("Board") obtained certain real property from Security National Bank and Trust Company, Trustee of Robert G. Kissell Trust, with property tax parcel identification number 30000700019000091 ("Board Property"); and

WHEREAS, a review of title records of the above-referenced Board Property indicate that Columbia Gas Transmission, LLC, a Delaware limited liability company, ("Company") holds a valid perpetual easement for a right-of-way on, over and through land described therein which is part of the Board Property, for a pipeline together with valves and other necessary appurtenances as described in a Right of Way issued by Zella B. Kissell, widow, dated August 19, 1952, and recorded in the County Clerk's Office for Clark County, Ohio, in Deed Book 436, Page 49 ("Easement and Right of Way"); and

WHEREAS, the Company has requested the Board grant an amendment to the existing Easement and Right of Way for the purpose of replacing original pipeline and other necessary and related pre- and post-construction work; and

WHEREAS, the Company and the Board have negotiated the terms of the Company's aforesaid request, and have agreed to such terms in writing, which are memorialized in the following documents which have been presented to the Board for review, and which are incorporated in this Resolution by reference:

Amendment to Easement and Right of Way Agreement with Exhibit A and
Amendment Offer Detail,

License Agreement with Exhibit A and License Offer Detail, and

Construction Release;

NOW, THEREFORE BE IT RESOLVED that the Clark-Shawnee Local School
District

Board of Education ("Clark-Shawnee Board") hereby acts to approve the Amendment to Easement and Right of Way Agreement with Exhibit A and Amendment Offer Detail, License Agreement with Exhibit A and License Offer Detail, and Construction Release with Columbia Gas Transmission, LLC ("Company") on the terms as presented and as stated in said documents, for the purpose of amending the Easement and Right of Way for the Company to replace original pipeline on, over and through those areas of the Board Property identified in the documents, and to conduct other necessary and related pre and post-construction work as specifically authorized in said documents;

BE IT FURTHER RESOLVED THAT, the Clark-Shawnee Local School District Board of Education hereby directs its Superintendent and Treasurer to issue all documentation, once executed by the President of the Board and the Treasurer, to the Company and to receive on behalf of the Board, all properly authorized and executed documents from the Company, in order to effectuate the terms of this Resolution forthwith.

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

Executive Session (2019-1037)

Mr. DeHart moved to go into executive session for the purpose of dismissal of public employees at 8:32 p.m.

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

Mrs. Garrett declared the board back in regular session at 8:48 p.m.

Mr. DeHart moved to approve the following:

Resolution to Terminate the Limited Nonteaching Contract of John Patton

WHEREAS, Ohio Revised Code Section 3319.081 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 John Patton ("Patton") in the position of custodian under a limited nonteaching contract pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, on December 4, 2019, Patton was notified in writing that he was being placed on paid administrative leave effective immediately as a result of findings from an internal investigation conducted by the administration regarding violations of the Clark-Shawnee Local School District Board of Education's Policy 4210 Staff Ethics & Clark-

Shawnee Local School District's Administrative Guidelines 6700 Fair Labor Standards Act; as well as Patton's admission during a pre-disciplinary due process hearing held on December 4, 2019, to leaving work early without permission on multiple occasions during his employment with the District, specifically between October 15, 2019 and November 22, 2019; and

WHEREAS, on December 5, 2019, Patton was notified in writing of the Superintendent's intent to recommend to the Board at its regular public meeting on December 12, 2019, that his non-teaching employment contract with the District be terminated effective immediately upon official Board action, on the grounds set forth in the notice and as reflected above; and

WHEREAS, in the December 5, 2019, written notice of intent to terminate, Patton was notified in writing that he was entitled to a pre-termination due process hearing before the Board regarding the matters reflected in the notice, with the pre-termination due process hearing offered to Patton to occur at the Board's regular public meeting on December 12, 2019, prior to the Board taking any official public action regarding the Superintendent's recommendation for termination; and

WHEREAS, Patton did attend the due process hearing before the Board at its regular public meeting on December 12, 2019, and had a full opportunity to be heard on the allegations as stated above and in the notice of intent to terminate which serve as grounds for the Superintendent's recommendation to the Board that Patton'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 John Patton as set forth in the grounds for the Superintendent's intent to terminate John Patton'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, neglect of duty, malfeasance and nonfeasance which are statutory grounds for termination under Ohio Revised Code Section 3319.081;

NOW THEREFORE BE IT RESOLVED that pursuant to Ohio Revised Code Section 3319.081, the Clark-Shawnee Local School District Board of Education hereby acts to accept the Superintendent's recommendation to terminate the limited nonteaching employment contract of John Patton effective immediately on the grounds of violations of written rules and regulations of the Board, and for conduct which also constitutes dishonesty, neglect of duty, malfeasance and nonfeasance, to wit:

- The timesheet Patton completed, signed, and submitted for the period of November 11-22, 2019 indicates that Patton worked until 11:30 PM each night. This timesheet was falsified in that it does not accurately reflect Patton's true work hours on these dates, through Patton's own admission that he did not work his full scheduled shift until 11:30PM on these dates.
- During the pre-disciplinary due process hearing on December 4, 2019, Patton stated that he left early on work nights since his hire date of October 15, 2019. When asked if he could estimate the number of nights he left early, Patton stated he could not estimate a number. Patton did not reflect his actual hours worked on the timesheets he signed and submitted. This is a violation of the Clark-Shawnee Local School District Administrative Guidelines 6700—Fair Labor Standards Act and Clark-Shawnee Local School District Policy 4210—Staff Ethics, resulting in Patton being overpaid for hours not actually worked.

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 John Patton by certified U.S. mail, along with a copy of this Resolution, and further directs its Superintendent and Treasurer to resolve any remaining items under the administration's control with respect to the employment of John Patton with the Clark-Shawnee Local School District.

Mr. Patton did not appear.

Mr. Barnes seconded the motion.

Ayes: Pierce, DeHart, Barnes, Garrett.

Abstain: Page

The President declared the motion carried.

Mrs. Pierce moved to approve the following:

Resolution to Terminate the Limited Nonteaching Contract of Jessica Patton

WHEREAS, Ohio Revised Code Section 3319.081 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 Jessica Patton ("Patton") in the position of custodian under a limited nonteaching contract pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, on December 4, 2019, Patton was notified in writing that she was being placed on paid administrative leave effective immediately pending the outcome of an internal investigation conducted by the administration regarding reports of falsified time

records with respect to Patton's regular work shifts spanning October 25, 2019 through November 25, 2019; and

WHEREAS, during a pre-disciplinary due process hearing held on December 4, 2019, regarding these matters, Patton admitted to arriving late to work and leaving work early without permission or without authorized forms of leave to cover same, on multiple occasions during her employment with the District, specifically between October 30, 2019 and November 25, 2019; and

WHEREAS, on December 6, 2019, Patton was notified in writing of the Superintendent's intent to recommend to the Board at its regular public meeting on December 12, 2019, that her non-teaching employment contract with the District be terminated effective immediately upon official Board action, on the grounds set forth in the notice to wit:

- Reports that on November 22, 2019 Patton allegedly signed and submitted a timesheet with inaccurate times. To wit, Patton entered her work times for the period of November 11-22, 2019 as 1:30 PM – 10:00 PM each day. [1:30 PM – 10:00 PM is Patton's assigned work shift, which is inclusive of a one-half hour unpaid lunch.]
- A review of the building security cameras indicates the times Patton entered and exited Possum School for scheduled shifts on the dates listed below.
 - October 30, 2019—1:05 PM & 9:10 PM
 - November 1, 2019—1:05 PM & 9:11 PM
 - November 4-5, 2019—Patton worked the day shift for the head custodian.
 - November 6, 2019—1:11 PM & 9:00 PM
 - November 7, 2019—1:05 PM & 9:15 PM
 - November 8, 2019—An entry time could not be determined—
Departed 9:00 PM
 - November 11, 2019—1:22 PM & 9:37 PM
 - November 12, 2019—9:54 AM & 4:40 PM [This was a snow day]
 - November 13, 2019—1:05 PM & 9:06 PM
 - November 14, 2019—5:26 PM & 9:17 PM [Patton took ½ personal day]
 - November 15, 2019—1:09 PM & 8:27 PM

- November 18, 2019—1:09 PM & 9:41 PM
 - November 19, 2019—1:22 PM & 9:07 PM
 - November 20, 2019—1:16 PM & 9:13 PM
 - November 21, 2019—1:23 PM & 9:15 PM
 - November 22, 2019—1:16 PM & 9:18 PM
 - November 25, 2019—1:25 PM & 9:15 PM
- The timesheets Patton completed, signed, and submitted for the period of October 30 – November 22, 2019 indicate that Patton worked from 1:30-10:00 PM on all shifts, except when Patton covered for the head custodian, and does not indicate that Patton used any form of leave to cover a late arrival or an early departure from Patton’s regular scheduled shift on any of these dates. These timesheets do not accurately reflect the actual hours Patton worked and thus are false.
 - During the hearing on December 4, 2019, Patton stated that at the start of Patton’s employment as an evening custodian at Possum School, the official shift was 2:00-10:30 PM. Patton then stated that the previous principal adjusted the shift to 1:30-10:00 PM. When asked why Patton arrived late/left early as evidenced by camera footage, Patton stated, “I really don’t have a defense. I know this was huge mistake on my part.” Additionally, Patton stated, “I am guilty of what I’m being accused of.” Furthermore, Patton never sought permission from a building administrator or head custodian to leave early, nor did Patton use any form of leave to cover Patton’s absence as a result of arriving late/leaving early from Patton’s assigned shifts.
 - The above-referenced matters constitute violations of written rules and regulations of the Board including Clark-Shawnee Local School District Policy 4210—Staff Ethics and Clark-Shawnee Local School District Administrative Guideline 6700—Fair Labor Standards Act, as well as dishonesty, neglect of duty, malfeasance and nonfeasance, all of which are statutory grounds for termination of Patton’s non-teaching employment contract with the District pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, in the December 6, 2019, written notice of intent to terminate, Patton was notified in writing that she was entitled to a pre-termination due process hearing before the Board regarding the matters reflected in the notice, with the pre-termination due process hearing offered to Patton to occur at the Board’s regular public meeting on

December 12, 2019, prior to the Board taking any official public action regarding the Superintendent's recommendation for termination; and

WHEREAS, Patton did attend the due process hearing before the Board at its regular public meeting on December 12, 2019, and had a full opportunity to be heard on the allegations as stated above and in the notice of intent to terminate which serve as grounds for the Superintendent's recommendation to the Board that Patton'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 Jessica Patton as set forth in the grounds for the Superintendent's intent to terminate Jessica Patton'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, neglect of duty, malfeasance and nonfeasance which are statutory grounds for termination under Ohio Revised Code Section 3319.081;

NOW THEREFORE BE IT RESOLVED that pursuant to Ohio Revised Code Section 3319.081, the Clark-Shawnee Local School District Board of Education hereby acts to accept the Superintendent's recommendation to terminate the limited nonteaching employment contract of Jessica Patton effective immediately on the grounds of violations of written rules and regulations of the Board, (Clark-Shawnee Local School District Board Policy 4210 – Staff Ethics, and Clark-Shawnee Local School District Administrative

Guideline 6700 – Fair Labor Standards Act) and for conduct which also constitutes dishonesty, neglect of duty, malfeasance and nonfeasance, based upon the conduct set forth above herein which has resulted in Patton being overpaid for hours not actually worked;

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 Jessica Patton by certified U.S. mail, along with a copy of this Resolution, and further directs its Superintendent and Treasurer to resolve any remaining items under the administration's control with respect to the employment of Jessica Patton with the Clark-Shawnee Local School District.

Mrs. Patton did not appear.

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

Mr. DeHart moved to approve the following:

Resolution to Terminate the Limited Nonteaching Contract of Melissa Woodland

WHEREAS, Ohio Revised Code Section 3319.081 provides that a non-teaching 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 Melissa Woodland ("Woodland") in the position of cashier/hostess under a non-teaching contract pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, at a regular board meeting of the Clark-Shawnee Local Board of Education on October 15, 2019, the Board granted Woodland's request for an unpaid leave of absence for medical reasons from October 8, 2019 until October 23, 2019; and

WHEREAS, since October 23, 2019, the date Woodland's previously approved unpaid leave of absence expired, Woodland has neither returned to work nor made any contact with District administration to make any subsequent request for any form of authorized leave to cover any absences occurring after October 23, 2019. This reasonably constitutes the abandonment of her position and in turn constitutes neglect of duty, which is statutory grounds for termination of Woodland's non-teaching employment contract with the District pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, on December 2, 2019, Woodland was notified in writing of the Superintendent's intent to recommend to the Board at its regular public meeting on December 12, 2019, that her non-teaching employment contract with the District be terminated effective immediately upon official Board action, on the grounds set forth as above as reflected in the notice; and

WHEREAS, in the December 2, 2019 written notice of intent to terminate, Woodland was notified in writing that she was entitled to a pre-termination due process hearing before the Board regarding the matters reflected in the notice, with the pre-termination due process hearing offered to Woodland to occur at the Board's regular

public meeting on December 12, 2019, prior to the Board taking any official public action regarding the Superintendent's recommendation for termination; and

WHEREAS, Woodland did appear at the due process hearing before the Board at its regular public meeting on December 12, 2019, but had a full opportunity to be heard on the allegations as stated above and in the notice of intent to terminate which serve as grounds for the Superintendent's recommendation to the Board that Woodland's non-teaching 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 Melissa Woodland as set forth in the grounds for the Superintendent's intent to terminate Melissa Woodland's non-teaching employment contract with the District, as well as set forth above, neglect of duty which serves as statutory grounds for termination under Ohio Revised Code Section 3319.081;

NOW THEREFORE BE IT RESOLVED that pursuant to Ohio Revised Code Section 3319.081, the Clark-Shawnee Local School District Board of Education hereby acts to accept the Superintendent's recommendation to terminate the non-teaching employment contract of Melissa Woodland effective immediately on the grounds of neglect of duty based upon the conduct set forth above as well as in the Superintendent's written notice of intent to terminate issued to Woodland December 2, 2019;

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 Melissa Woodland by certified U.S. mail, along with a copy of this Resolution, and further directs its Superintendent and Treasurer to resolve any remaining items under the administration's control with respect to the employment of Melissa Woodland with the Clark-Shawnee Local School District.

Mrs. Woodland did not appear.

Dr. Page seconded the motion.

Ayes: DeHart, Barnes, Garrett, Pierce, Page.

The President declared the motion carried.

Executive Session (2019-1038)

Mr. DeHart moved to go into executive session for the purpose of employee discipline at 8:52 p.m.

Mr. Barnes seconded the motion

Ayes: Garrett, Pierce, Page, DeHart, Barnes.

The President declared the motion carried.

Mrs. Garrett declared the board back in regular session at 8:58 p.m.

Adjournment

Mr. Barnes moved to adjourn the meeting at 9:54 p.m.

Mr. DeHart seconded the motion.

Ayes: Garrett, Pierce, Page, DeHart, Barnes.

The President declared the motion carried.

President

Treasurer

