

August 29, 2022

The Clark-Shawnee Local Board of Education met in a special session on August 29, 2022 at Clark-Shawnee Local Administrative Office 3680 Selma Road, 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. Galbreath
Mrs. Garrett
Mrs. Pierce
Dr. Page
Mr. DeHart

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

All stood and recited the Pledge of Allegiance.

ACCEPTANCE OF THE AGENDA (2022 - 1296)

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

REQUESTS AND CONCERNS OF THE GENERAL PUBLIC

None

EMPLOYMENT OF PERSONNEL (2022-1297)

Mrs. Pierce moved to approve the following:

Resignation–Support Staff

To accept Miss Nyah Pierce, Aide, letter of resignation effective at the end of the current contract year.

Certified Staff

To employ Ms. Erin Landis as Cook (3 hours per day) for the 2022-2023 school year.
[Current Assignment: Shawnee MS/HS]

Support Staff

To employ Mr. Charles Harshman as Long-Term Substitute Technology Helper for the 2022-2023 school year.

To employ Mrs. DeAnn Meade as Aide for the 2022-2023 school year [Current Assignment: Shawnee HS/MS].

To employ Ms Patricia Meyer as Aide for the 2022-2023 school year [Current Assignment: Shawnee ES].

To employ Mr. Adam Snyder as Aide for the 2022-2023 school year. [Current Assignment: Shawnee HS/MS].

Additional Duty (Support Staff)

To employ Miss Gina Beckel as Preschool Driver for the 2022-2023 school year.

To employ Ms Peggy Bowers as Preschool Driver for the 2022-2023 school year.

To employ Ms Terra Howard as Preschool Driver for the 2022-2023 school year.

To employ Mrs. Janice Lyons Preschool Driver for the 2022-2023 school year.

Dr. Page Seconded the motion.

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

EXECUTIVE SESSION (2022-1298)

Mr. DeHart moved to go into Executive Session for the consideration of the dismissal, discipline, or termination of a public employee (ORC 121.22(G)(1) at 7:04 a.m.

Mr. Galbreath seconded the motion.

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

Mr. DeHart declared the board out of executive session at 7:16 a.m.

DUE PROCESS HEARING

Due Process Hearing for the consideration of the dismissal, discipline, or termination of a public employee. This hearing was held in open session per Mr. Brandon Miller's request. See exhibit Transcript 1 (T1).

EXECUTIVE SESSION (2022-1299)

Mr. DeHart moved to go into Executive Session for the consideration of the dismissal, discipline, or termination of a public employee (ORC 121.22(G)(1) at 8:24 a.m.

Mr. Galbreath seconded the motion.

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

Mr. DeHart declared the board out of executive session at 8:44 a.m.

RESOLUTION TO TERMINATE THE NON-TEACHING CONTRACT OF BRANDON MILLER PURSUANT TO OHIO REVISED CODE SECTION 3319.081 (2022-1300)

Dr. Page moved to table the resolution to terminate the non-teaching contract of Brandon Miller pursuant to Ohio Revised Code section 3319.081 (2022-1300):

WHEREAS, Section 3319.081 of the Ohio Revised Code governs the employment of non-teaching employees in a public school district; and

WHEREAS, the Clark-Shawnee Local School District Board of Education (“Board”) employs non-teaching employee Brandon Miller (“Miller”) as a Bus Mechanic pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, Section 3319.081 of the Ohio Revised Code also governs the termination of non-teaching employees in a public school district, and provides that a board of education may terminate a non-teaching employee for reasons set forth in the statute, which include in relevant part the reasons of violation of written rules of the board, and insubordination; and

WHEREAS, the Superintendent has determined that Miller has engaged in conduct that constitutes violations of written rules of the board (specifically, the job description requirements for the position of Bus Mechanic with the Clark-Shawnee Local School District [“District”], and Board Policy 8600.04) based upon Miller’s conviction of certain offense which is a matter of public record, and which also caused Miller to be disqualified from pre-service certification as governed by the Ohio Department of Education to drive a school bus with students on it for a period of six (6) years following date of conviction; and

WHEREAS, the Board subsequently provided Miller with an opportunity to be heard before the Board at the Board’s regular public meeting on August 16, 2022, regarding the matter; and

WHEREAS, following said hearing at the Board's regular public meeting on August 16, 2022, the Board offered Miller an opportunity to remain in the employment of the Board by way of a Last Chance Agreement which would govern Miller's remaining term of employment as Bus Mechanic with the District; and

WHEREAS, at its regular public meeting on August 16, 2022, the Board directed Miller to execute the Last Chance Agreement and return the executed document to the District's administration by August 19, 2022; and

WHEREAS, Miller failed to execute and failed to return the executed Last Chance Agreement by the deadline established by the Board of August 19, 2022; and

WHEREAS, the Superintendent has determined that Miller's conduct in failing to comply with the Board's reasonable directive to execute and return the executed Last Chance Agreement by August 19, 2022, constitutes insubordination; and

WHEREAS, the Superintendent caused written notice of intent to terminate to be issued to Miller on August 24, 2022, which written notice of intent to terminate contained the specific grounds for the Superintendent's recommendation to terminate Miller's non-teaching employment contract with the District, pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, in the Superintendent's written notice of intent to terminate issued to Miller on August 24, 2022, the Superintendent advised Miller of his right to a due process hearing before the Board at the Board's special public meeting on August 29, 2022, for the purpose of being heard on the Superintendent's recommendation for termination, prior to the Board taking any public action regarding the Superintendent's recommendation; and

WHEREAS, Miller appeared for the due process hearing before the Board, held in executive session of the Board, at the Board's special public meeting on August 29, 2022; and

WHEREAS, the Board has fully considered all matters presented to and before the Board regarding the grounds for the Superintendent's recommendation that the Board take official public action to terminate Miller's non-teaching employment contract with the District on the grounds set forth herein and in accordance with Ohio Revised Code Section 3319.081;

NOW, THEREFORE BE IT RESOLVED, that the Clark-Shawnee Local School District Board of Education (“Board”) hereby acts to approve the Superintendent’s recommendation to terminate Brandon Miller’s non-teaching employment contract with the District on the grounds as stated in the Superintendent’s written notice of intent issued to Miller on August 24, 2022, and as set forth in this resolution, which the Board has determined, upon its review and consideration, constitute violation of rules of the Board and insubordination, which is just cause for such action pursuant to Ohio Revised Code Section 3319.081;

BE IT FURTHER RESOLVED, that the Clark-Shawnee Local School District Board of Education’s action to terminate Brandon Miller’s non-teaching employment contract with the District by way of this resolution is effective immediately;

BE IT FURTHER RESOLVED, that the Clark-Shawnee Local School District Board of Education hereby directs its Treasurer to issue official written notice of same forthwith, along with a copy of said Resolution, to non-teaching employee Brandon Miller at his address on file with the central office, and further hereby directs its Superintendent and Treasurer to faithfully execute the terms this Resolution as stated herein.

Mr. Galbreath Seconded the motion.

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

President declared the Resolution tabled.

ADJOURNMENT

Mrs. Pierce exited the meeting at 8:46 a.m.

Mrs. Garrett moved to adjourn the meeting at 8:48 a.m.

Mr. Galbreath Seconded the motion.

Ayes: Garrett, Page, DeHart, Galbreath.

Absent: Pierce

President

Treasurer