

March 27, 2023

The Clark-Shawnee Local Board of Education met in a special session on March 27, 2023, at the Clark-Shawnee Administrative Office, 3680 Selma Road, Springfield, OH 45502. The meeting was called to order at 7:30 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 AND ADDENDUM (2023-1356)

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

EXECUTIVE SESSION (2023-1357)

Mr. DeHart moved to go into Executive Session to consider the Appointment, Employment, Dismissal, Discipline, and/or Demotion of a Public Employee at 7:31 a.m.

Dr. Page Seconded the motion.
Ayes: Pierce, Page, DeHart, Galbreath, Garrett.
Mr. DeHart declared the board out of Executive Session at 7:41 a.m.

RESOLUTION TO TERMINATE THE NON-TEACHING EMPLOYMENT CONTRACT OF MRS. ERICA BREWER (2023-1358)

Mr. Galbreath moved to approve the following:

WHEREAS, on February 21, 2023, the Clark-Shawnee Local School District Board of Education ("Board") took official public action to approve the Superintendent's recommendation to place non-teaching employee Erica Brewer ("Brewer") on disciplinary suspension without pay for a period of five (5) work days, starting on February 22, 2023, and ending on February 28, 2023, based upon the grounds as stated in the Superintendent's written notice of intent issued to Brewer dated February 13, 2023, which the Board determined to be grounds for such action under Ohio Revised Code Section 3319.081; and

WHEREAS, on February 21, 2023, the Board took further official public action to approve the Superintendent's recommendation to impose a last chance agreement to govern the remaining term of non-teaching employee Erica Brewer's continuing contract of employment with the District; and

WHEREAS, the purpose of the last chance agreement as approved by the Board to govern the remaining term of Erica Brewer's employment with the District was to address Brewer's conduct with students of the District, which the Board determined to be extremely detrimental to the integrity of the Board's operations and educational programming; and

WHEREAS, one of the specific terms of the last chance agreement as approved by the Board provides that Brewer will refrain for the remainder of her employment with the Board from engaging in any further conduct that violates Board Policies 4210 (Staff Ethics) and 4213 (Student Supervision and Welfare); and

WHEREAS, the last chance agreement as approved by the Board further provides that, "[u]nder this Agreement, the Board may, at its discretion, terminate the employment contract of Brewer at any time if it is determined by the Board, in its sole discretion, that Brewer has violated any terms of this Agreement, or that Brewer has engaged in any other acts that would warrant termination under applicable provisions of Ohio Revised Code,"; and

WHEREAS, on March 22, 2023, the Superintendent determined by way of investigation, personal observation, and Brewer's own admission, that on March 21, 2023, and on March 22, 2023, Brewer knowingly and intentionally brought a student of the District, who had been suspended out of school and who had been ordered not to be on District property during the term of the suspension, onto District property in violation of the student's out of school suspension terms; and

WHEREAS, Board Policy 4213 provides that "[c]lassified staff members shall maintain a standard of care for the supervision, control, and protection of students commensurate with assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students,"; and

WHEREAS, Board Policy 4213 further provides that “[a] classified staff member shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety,” and

WHEREAS, Section 3319.081 of the Ohio Revised Code, which governs termination of non-teaching employees, provides that a board of education may terminate a non-teaching employee for reasons set forth in the statute, which includes the reason of violation of written rules and regulations as set forth by the board of education; and

WHEREAS, the Superintendent has determined, based upon the foregoing, that Brewer has engaged in conduct on March 21, 2023, and March 22, 2023, that violates Board Policy 4213 and the terms of the last chance agreement imposed by way of official Board action on February 21, 2023, pertaining to the remaining term of Brewer’s employment with the District, and as set forth in the notice of intent to terminate issued to Brewer by the Superintendent on March 23, 2023; and

WHEREAS, in the Superintendent’s written notice of intent to terminate issued to Brewer on March 23, 2023, Brewer was served with official written notice of her right to a due process hearing before the Board at the Board’s special public meeting on March 27, 2023, regarding the Superintendent’s recommendation that the Board terminate Brewer’s non-teaching employment contract with the District, prior to the Board taking any public action regarding the Superintendent’s recommendation; and

WHEREAS, Brewer did not appear for the due process hearing before the Board, held in executive session of the Board, at the Board’s special public meeting on March 27, 2023; and

WHEREAS, the Board has fully considered all matters presented to and before the Board regarding the grounds for the Superintendent’s recommendation to terminate the non-teaching employment contract of Erica Brewer on the grounds set forth herein and in the written notice of intent to terminate issued to Erica Brewer on March 23, 2023, and the Board takes official public action on the Superintendent’s recommendation as follows;

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 the non-teaching continuing contract of employment of Erica Brewer, effective immediately, based upon the grounds as set forth herein and in the Superintendent’s written notice of intent to terminate issued to Brewer on March 23, 2023, which the Board has determined, upon its review and consideration of the Superintendent’s recommendation, constitute violations of Board Policy 4213 and violations of the terms of the last chance agreement imposed by the Board by way of official public action on February 21, 2023, to govern the remaining term of Brewer’s employment with the District, and which are thus grounds for such action under Ohio Revised Code Section 3319.081;

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 Erica Brewer, and further hereby directs its Superintendent and Treasurer to faithfully execute the terms this Resolution as stated herein.

Mrs. Pierce seconded the motion.

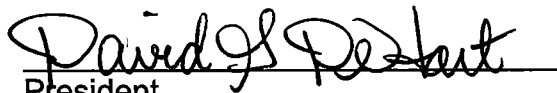
Ayes: Page, DeHart, Galbreath, Garrett, Pierce.

ADJOURNMENT


Mrs. Garrett moved to adjourn the meeting at 7:43 a.m.

Mrs. Pierce Seconded the motion.

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



President



Treasurer