

Board of Education Special Meeting (Tuesday, December 16, 2025)*Generated by Kimberly Grilli on Wednesday, December 17, 2025***Members present**

LaToya Dowdell-Burger, Libby Gray, Seth Bower, John Kershner

Meeting called to order at 7:00 PM**A. Opening Items**

Procedural: 1. Pledge of Allegiance

Procedural: 2. Roll Call - Ms. Walsh is absent.

B. Agenda Approval

Action 2025-334: 1. Adoption of Meeting Agenda
 Move that the Board of Education approve the agenda.

Motion by Libby Gray, second by LaToya Dowdell-Burger.

Final Resolution: Motion Carries

Yes: LaToya Dowdell-Burger, Libby Gray, Seth Bower

No: John Kershner

C. Executive Session

Action 2025-335: 1. Recommendation to Adjourn to Executive Session - Went into Executive Session at 7:07 pm. Mr. Kershner left the meeting at 7:11 pm.

It is recommended that the Groveport Madison Schools Board of Education enter executive session to consider the employment of public employees per ORC 121.22 (G)(1).

Discussion:

- Mr. Kershner - Record-Making Statement GM School Board 12/16/2025 - Before the Board enters executive session, I need to place several matters on the public record. First, I object to the initiation or continuation of any investigation of a Board member or an administrator without explicit Board authorization in open session, a defined scope, a written engagement agreement, and properly certified funds. Standing authorizations are not sufficient for that purpose. Second, I need to state for the record that I have been subjected to repeated attempts to pressure or coerce me to sign documents, including in connection with executive sessions. No Board member can be compelled or pressured to sign documents, and I do not consent to such conduct. Third, I object to any attempt to have agreements, engagement letters, resolutions, or other binding documents reviewed, approved, or executed during executive session. Under Ohio's Open Meetings Act, executive session may be used only for discussion of permitted subjects and not for deliberation, decision-making, or execution of agreements. Any attempt to approve or sign agreements in executive session constitutes an improper action outside of public view. The Ohio Ethics Commission has clarified that the use of an executive session does not, by itself, create confidentiality. A board cannot simply demand an NDA in an executive session for matters not inherently confidential by law (e.g. student records, attorney work product) without prior, proper action in a public meeting. Documents discussed during an executive session are not automatically exempt from the Public Records Act. If a document is a public record, it must be disclosed upon request, regardless of whether it was discussed in private. If unlawful actions are discovered or discussed, I have serious concerns that this may be an unvarnished attempt to shield them from the public. The use of "coercion" to force a board member to sign an agreement or contract raises significant legal issues, especially if the underlying requirements are not legally sound. Board members have a duty to the public. Fourth, during an ongoing investigation presented as independent, regular district counsel has been permitted to attend executive sessions related to that matter, has participated in investigative meetings and materials, and has appeared to possess advance knowledge of contemplated Board actions not equally visible to all Board members. That lack of equal access and the blending of roles raises serious governance and independence concerns. Fifth, I also object to being told that Board members may not ask questions of the complainant. When the Board is the decision-making authority, a blanket prohibition on questioning—without a specific, articulated legal basis—is not standard practice and undermines the Board's ability to fulfill its oversight and governance responsibilities. Counsel may advise on process, but the Board cannot be prevented from seeking clarification necessary to make informed decisions. Sixth, with respect to employee evaluations, Ohio Revised Code 121.22(G)(1) permits executive session only to consider performance, not to create, modify, approve, or bypass the evaluation process itself. Our Board policy CBG requires preparedness and the inclusion of all Board members through Board-adopted evaluation criteria. That adoption has not occurred. Earlier this year, I made a motion to place this evaluation on the Board's calendar for October to ensure proper preparation and full participation; that motion was voted down. Now, at year's end, there are last-minute efforts to move forward with two highly significant evaluations without an adopted process or adequate notice. The Treasurer's evaluation was properly conducted in February, demonstrating there is no operational necessity for haste. Finally, I want to be clear that my concern is not with accountability or evaluation, but with adherence to Board policy, open meeting requirements, proper sequencing, independence of process, and full Board participation. I ask that this statement be reflected in the minutes.
- Ms. Dowdell-Burger and Ms. Gray confirmed that this is the evaluation process we have used in the past.

Motion by Libby Gray, second by LaToya Dowdell-Burger.

Final Resolution: Motion Carries

Yes: LaToya Dowdell-Burger, Libby Gray, Seth Bower
No: John Kershner

D. Reconvene Open Session - 11:41 PM

E. Adjournment

Action 2025-336: 1. Motion to Adjourn
11:41 pm

Motion by LaToya Dowdell-Burger, second by Libby Gray.
Final Resolution: Motion Carries
Yes: LaToya Dowdell-Burger, Libby Gray, Seth Bower
Not Present at Vote: John Kershner