

New Lexington, Ohio

April 6, 2020

The New Lexington City Board of Education held its Regular meeting at 5:00 p.m. in the New Lexington Middle School Media Center, 2549 Panther Drive and via Electronic delivery.

Members present: John McGaughey, Steve Burton, Jason Givens, Bill Nutt and Ray Hatem.

It was moved by Burton and seconded by Givens to approve Resolution #20-01 authorizing an online meeting.

WHEREAS, on March 9, 2020 the Governor of the State of Ohio issued Executive Order 2020-01D (the “Order”), declaring a state of emergency to protect the well-being of the citizens of the Ohio from the dangerous effects of COVID-19; and

WHEREAS, subsequent to issuance of the Order, the legislature put in place uncodified emergency provisions via passage of Ohio House Bill (HB) 197 (“HB 197”) providing public bodies the authority to hold and attend meetings by means of teleconference, video conference, or any other similar electronic technology (“electronic means”) in lieu of carrying out such meetings in person; and

WHEREAS, HB 197 provides public bodies the authority to carry out meetings by such electronic means during the period of the emergency declared by the Order issued March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date; and

WHEREAS, HB 197 provides that board members attending meetings by electronic means are considered present as if they were attending in person, are permitted to vote, are counted for quorum, and any public action taken by such electronic means under such emergency provisions has the same effect as if it were taken in an open meeting of the public body; and

WHEREAS, the important governance functions and public business of public bodies still must continue even in the exigent circumstances created by the COVID-19 outbreak; and

WHEREAS, the New Lexington School District Board of Education (“Board”), in an effort to continue the important public business of the public body while still safeguarding the health and well-being of the all members of the school district community, wishes to avail itself of the opportunity to hold and attend meetings by electronic means in order to carry out such important governance functions and public business in compliance with HB 197 and all other requirements set forth by Ohio’s Open Meetings Act (“OMA”) that are not in conflict with the provisions of HB 197; and

WHEREAS, pursuant to Board Bylaw 0131, Legislative, Ohio Revised Code (RC) 3313.20 and HB 197, and due to challenges created by the necessity to carry out such meetings by electronic means, the Board wishes to temporarily suspend its Bylaw 0169.1, Public Participation at Board Meetings, relevant provisions of its Bylaw 0167, Voting, with regard to in-person voting requirements, relevant portions of its Bylaw 0131, Legislative, with regard to being physically present requirements, and any and all other provisions of Board bylaws, policies and procedures that are in conflict with the provisions of HB 197 for the duration of the applicability of the emergency provisions and to the extent that the Board determines to avail itself, as a public body, of the ability to conduct official public meetings via electronic means in accordance with provisions of HB 197; and

WHEREAS, the Board strongly agrees with and abides by the standards set forth by OMA, including such emergency provisions as set forth by HB 197, and endeavors to fully comply with its requirements to the extent possible in light of the exigent public health and safety circumstances created by the COVID-19 epidemic through compliance with OMA provisions not in conflict with the provisions of HB 197.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Ohio House Bill (HB) 197 (“HB 197”), the New Lexington School District Board of Education (“Board”) shall carry out its meetings either by a combination of in person attendance (with appropriate social distancing, limitation on the number of in-person attendees, and safety precautions to the extent possible) paired with electronic attendance, or solely by the electronic means set forth in the uncodified emergency provisions for the duration of the declared state of emergency created by the COVID-19 pandemic, for the time period from the date of this official action through but not beyond December 1, 2020.

BE IT FURTHER RESOLVED, that the Board hereby suspends its Bylaw 0169.1, Public Participation at Board Meetings, relevant provisions of its Bylaw 0167, Voting, with regard to in-person voting requirements, relevant portions of its Bylaw 0131, Legislative, with regard to being physically present requirements, and any and all other Board bylaws, policies and procedures in conflict with the provisions of HB 197 for purposes of compliance with Ohio’s Open Meetings Act (“OMA”) for the duration of the applicability of the emergency provisions provided in HB 197 for the conduct of public meetings during the state of emergency.

BE IT FURTHER RESOLVED, that the Superintendent and/or the Treasurer are authorized and directed to take all other such actions as are necessary or appropriate to accomplish the objectives of this Resolution.

BE IT FURTHER RESOLVED, that it is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an electronic meeting of this Board in full compliance with the provisions of HB197, and that all deliberations of this Board and any of its committees that resulted in such formal action took place in a meeting open to the public by electronic means or in executive session as permitted by Ohio law.

BE IT FURTHER RESOLVED, that this Resolution shall take effect and be in force from and after the earliest period allowed by law.

THE VOTE: Burton, yes; Givens, yes; Nutt, yes; Hatem, yes; McGaughey, yes. President McGaughey declared the motion carried.

Union Presidents to Address Board

All members having received a type written copy of the minutes from the February 24, 2020 regular meeting, it was moved by Nutt and seconded by Hatem that the Treasurer dispense with the reading of the minutes, and further that said minutes be approved.

THE VOTE: Nutt, yes; Hatem, yes; Givens, yes; Burton, yes; McGaughey, yes. President McGaughey declared the motion carried.

Audience Comments

Treasurer’s Recommendations

It was moved by Burton and seconded by Nutt to approve the Treasurer Recommendations as follows:

- A. Approve the February 29, 2020 Financial Report as presented.
- B. Approve Then and Now purchase for Keys to Literacy for \$9,933.37.
- C. Approve the following appropriation increases:

<u>Fund Name</u>	<u>Fund No.</u>	<u>Amount</u>
Community Resilience Grant	499-9320	\$2,000

THE VOTE: Burton, yes; Nutt, yes; McGaughey, yes; Givens, yes; Hatem, yes. President McGaughey declared the motion carried.

Superintendent’s Report

Mr. Coffey gave an update regarding COVID-19 restrictions, including food distribution and Phase 1 and Phase 2 of education materials.

Superintendent’s Recommendations

It was moved by Burton and seconded by Givens to approve the following agenda items:

- A. Approve FMLA for Jeremy Seals, bus driver, beginning February 20, 2020 through April 1, 2020.
- B. Approve the following Licensed teachers as After School Career/STEM Coordinators (Elementary) at \$32.41/hour

Jenny Shiplett, Dani Lamonica, Brooke Hartley
- C. Approve 2019-20 Licensed Personnel Supplemental Contracts:

<u>Name</u>	<u>Position</u>	<u>Exp.</u>	<u>Salary</u>
Kristal Dupler (Jay Chadwell – 1)	Mentor	4	\$1,800
- D. Approve the following volunteers for the 2019-20 School Year:

Athletics – Sydney Wycinski, Morgan Holman, Jeremy Allen, Michael Spurgus, Jason Spurgus, Tanner McConnell, Tony Zaleski, Elana Preston, Kimberly Jeffers
Classroom – Nancy McNutt, Ashley Jones, Anissa South
- E. Approve the purchase of a semi for the CDL Workforce Development Training from Lucas Truck Sales through the Expanding Opportunity Grant.
- F. Approve the purchase of video equipment from B&H Video through the Expanding Opportunity Grant.
- G. Approve MOU with Northern Local for Title I funds for New Lexington Student attending Holy Trinity School
- H. Approve Locally Defined Diploma Seals for the Permanent Graduation Requirements beginning with the Class of 2019-20
- I. Approve Kyle Sparks for the Archery Tutor attendant for New Lexington Elementary student
- J. Approve Meta Service Agreement for FY 2020-21
- K. Approve Resolution #20-02 authorizing pay during COVID-19 school closure for non-bargaining unit members.

WHEREAS, the New Lexington School District Board of Education (“Board”) employs various administrative, supervisory, and non-bargaining employees (including but not limited to for purposes of this resolution, contract employees assigned to St. Rose School, long-term substitute contract employees, and student employees, referred to herein collectively as “non-bargaining employees”) under contracts of employment pursuant to the provisions of Ohio Revised Code Sections 3319.01, 3319.02, 3319.081, 3319.10, and 3313.22; and

WHEREAS, on March 12, 2020, the Governor of the State of Ohio issued an official Order closing all public K-12 schools to students effective March 17,

2020 through April 3, 2020, (“School Closure Order”) as a result of a pandemic and declared state of emergency in the State of Ohio; and

WHEREAS, the School Closure Order did not close public K-12 schools to employees of the schools or to adults in the school community; and

WHEREAS, the Governor, in issuing said School Closure Order, indicated in official statement: “[d]uring this extended period of closure, schools should work to provide education through alternative means and school district leadership may make decisions on whether to use their school buildings. Staff members should continue to report to school as directed by administrators;” and

WHEREAS, on March 22, 2020, the Governor of the State of Ohio issued an official Stay At Home Order applicable to all Ohioans during the period of pandemic and declared state of emergency, with the Stay At Home Order in effect from March 23, 2020 through April 6, 2020; and

WHEREAS, the Stay At Home Order contains specified exemptions applicable to operations and entities deemed “essential” as designated in the Stay At Home Order, one of which being “essential governmental functions”; and

WHEREAS, in accordance with the Stay At Home Order, “essential governmental functions” is defined as all services provided by a political subdivision of the State needed to ensure the continuing operation of the government agencies and to provide for the health, safety and welfare of the public, including, specifically, “educational institutions”; and

WHEREAS, on March 30, 2020, the Governor of the State of Ohio issued an official Order extending the closure of all public K-12 schools to students in the State for the period April 3, 2020 through May 1, 2020; and

WHEREAS, no provision is made in Ohio Revised Code Sections 3319.01, 3319.02, 3319.10, or 3313.22 to address the issue of payment of District administrative, or long-term substitute teaching employees for work days on which school is closed due to calamity or any Order of the Governor; and

WHEREAS, Ohio Revised Code Section 3319.081 provides in relevant part that “(G) All nonteaching employees employed pursuant to this section and Chapter 124. of the Revised Code shall be paid for all time lost when the schools in which they are employed are closed owing to an epidemic or other public calamity. Nothing in this division shall be construed as requiring payment in excess of an employee's regular wage rate or salary for any time worked while the school in which the employee is employed is officially closed for the reasons set forth in this division,” and this provision of Revised Code is applicable to District supervisory and non-bargaining employees who are not otherwise considered administrative employees; and

WHEREAS, the Board does not have official policy in place that addresses expectations with respect to administrative, supervisory or non-bargaining unit employees reporting for duty or otherwise performing work on contracted work days on which school is closed due to calamity or any Order of the Governor; and

WHEREAS, the Board believes in this unique and unprecedented time, it is imperative for the Board to take official public action to declare its intent with respect to administrative and non-bargaining employees reporting for duty and performing work essential to their positions with the District and to the continuity

of operations of the District during the period of ordered school closure, March 17, 2020 through May 1, 2020; and

WHEREAS, consequently, the Board also believes it is imperative for the Board to issue specific authority to the Treasurer during this unique and unprecedented time to issue contract compensation to said employees during the period of and corresponding to the ordered school closure, March 17, 2020 through May 1, 2020;

NOW THEREFORE BE IT RESOLVED that the New Lexington School District Board of Education hereby acts to authorize the Superintendent to direct and determine all work to be performed by all administrative, supervisory and non-bargaining employees of the Board during the period of school closure ordered by the Governor in the School Closure Order for the period March 17, 2020 through May 1, 2020;

BE IT FURTHER RESOLVED that the New Lexington School District Board of Education further authorizes the Treasurer to issue regular contract pay to all administrative, supervisory, and non-bargaining employees of the Board in accordance with the contracts of employment in place for said employees for the time period covered by the School Closure Order, March 17, 2020 through May 1, 2020, and to hold said employees harmless.

- L. Approve MOU with Board of Education and AFSCME Local 2020 authoring paying during school closure for COVID-19.

THE VOTE: Burton, yes; Givens, yes; Hatem, yes; Nutt, yes; McGaughey, yes. President McGaughey declared the motion carried.

- M. Having found no interested nor qualified licensed person employed or not employed by the Board of Education pursuant to Section 3319.22 and 3313.53, Ohio Revised Code, and upon the recommendation of Superintendent Coffey, it was moved by Givens and seconded by Nutt to adopt the following resolution #20-03 hereby approving the following non-licensed non-employee pupil activity contracts for the 2019-20 school year. All persons listed have the required CPR and PAP certifications:

Name	Position	Exp.	Salary
Hanna Burton	HS Girls Asst. Track	0	\$2,160

THE VOTE: Givens, yes; Nutt, yes; McGaughey, yes; Hatem, yes; Burton, abstain. President McGaughey declared the motion carried.

- N. It was moved by McGaughey and seconded by Nutt to approve the following substitutes for the 2019-20 school year:

Heidi Finck – substitutes cook, aide, secretary

THE VOTE: McGaughey, yes; Nutt, yes; Burton, yes; Givens, yes; Hatem, abstain. President McGaughey declared the motion carried.

Items for Discussion/Research Prior to Action

It was moved by Burton and seconded by Givens to adjourn the meeting.

THE VOTE: Burton, yes; Givens, yes; Hatem, yes; Nutt, yes; McGaughey, yes. President McGaughey declared the motion carried.

President

Treasurer