

New Lexington, Ohio

August 18, 2014

The New Lexington City Board of Education held its 2014 Regular meeting at 6:30 p.m. in the New Lexington High School Media Center, 2547 Panther Drive.

Members present: John McGaughey, Mike Davisson, Steve Burton.

All members having received a type written copy of the minutes from the July 21, 2014 regular meeting and July 29, 2014, and August 14, 2014 special meetings, it was moved by Davisson and seconded by Burton that the Treasurer dispense with the reading of the minutes, and further that said minutes be approved.

THE VOTE: Davisson, yes; Burton, yes; McGaughey, yes. President McGaughey declared the motion carried.

Board member Nicole Enright entered the meeting at 6:31

Audience Comments on Agenda Items

Bill Padgett spoke to the Board regarding the purchase and installation of a fence around the football field for security purposes. He had received one quote for the project. At the Board's request, he will seek at least two more quotes for the project and submit all three to the Treasurer for review.

Treasurer Christie Barnette administered the oath of office to newly appointed board member Jim Harley.

Treasurer's Recommendations

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

A. Approve the July 31, 2014 Financial Report as presented.

B. Approve the following August 2014 Appropriation Increases/(Decreases):

Fund	Fund No.	Amount
TIF PD Award	590-9215	\$ 115,591.99

THE VOTE: Burton, yes; Davisson, yes; Enright, yes; Harley, yes; McGaughey, yes. President McGaughey declared the motion carried.

Superintendent's Report

Mrs. Bumgarner shared the agenda for the Opening Day Orientation on August 20, 2014.

Superintendent's Recommendations

- A. It was moved by Burton and seconded by Enright to adjourn to Executive Session at 6:50 pm under the provisions of O.R.C. 121.22(G)(1) to discuss a pending lawsuit and discipline of personnel.

THE VOTE: Burton, yes; Enright, yes; Davisson, yes; Harley, yes; McGaughey, yes. President McGaughey declared the motion carried.

Board President declared the Board in open session at 8:00 pm.

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

- B. Approve Licensed, Supplemental Contracts for the 2014-15 School Year

Name	Position 2014-15	Exp.	Salary
David Ratliff*	Asst. Coach Football – MS (8)	6+	\$3,199

*Has required CPR and athletic certificates

- C. Having found no interested licensed person employed or not employed by the Board of Education pursuant to Section 3319.22 and 3313.53, Revised Code, and upon the recommendation of Superintendent Bumgarner, it was moved to adopt the following resolution #14-19 hereby approving the following non-licensed non-employee pupil activity contracts for the 2014-15 school year. All persons listed have the required CPR and PAV certifications:

Name	Position	Exp.	Salary
Maggie Bond	Asst. Coach Volleyball – HS	0	\$2,599
Nadia Boggs	Asst. Coach Volleyball – (9) HS	0	\$2,599

- D. Approve Non-Certificated Substitute for the 2014-15 school year:

Harold Barker - custodian

- E. Approve volunteer for the 2014-15 school year:

Athletics – Ryan Lewis

THE VOTE: Burton, yes; Davisson, yes; Harley, yes; Enright, yes; McGaughey, yes. President McGaughey declared the motion carried.

- A. It was moved by Davisson and seconded by Harley to approve Resolution #14-20 to Abolish one (1) position (cook) in the Local 2020, Ohio Council 8, AFSCME AFL/CIO:

WHEREAS, Article 8 of the Agreement between the New Lexington Board of Education (“Board”) and Local 2020, Ohio Council 8, AFSCME, AFL/CIO (“Association”) (2012-2015) (hereinafter referred to as “Negotiated Agreement”) provides for the Board’s ability to layoff, abolish and/or otherwise reduce in force positions within the Association’s bargaining unit; and

WHEREAS, Article 8 of the Negotiated Agreement specifies the procedures that are to be followed by the Board in implementing such layoffs, abolishments and/or reductions in force of positions within the Association’s bargaining unit; and

WHEREAS, the provisions of Article 8 of the Negotiated Agreement are in concert with the provisions of Ohio Revised Code Section 124.32.1 with respect to contract suspension of civil service employees in a city school district; and

WHEREAS, pursuant to both Article 8 of the Negotiated Agreement as well as Ohio Revised Code Section 124.32.1, the Board has determined that it is necessary to layoff, abolish and/or reduce in force one (1) position within the Association’s bargaining unit for the reason of lack of work; and

WHEREAS, the Board has determined that the classification within the bargaining unit where such action is necessary is Cook; and

WHEREAS, pursuant to Article 8 of the Negotiated Agreement, the Board notified the Association in writing at least two (2) weeks in advance of said Board action of the Board’s intent to reduce the Association work force;

NOW, THEREFORE BE IT RESOLVED, that pursuant to Article 8 of the Negotiated Agreement and Ohio Revised Code Section 124.32.1, the New Lexington City School District Board of Education hereby acts to layoff, abolish and/or reduce in force one (1) position in the Association classification of Cook with such action to be effective August 18, 2014; and

BE IT FURTHER RESOLVED that the New Lexington City School District Board of Education hereby directs the District Treasurer to issue written notice of same to any and all affected bargaining unit employees forthwith with as required by and in compliance with Article 8 of the Negotiated Agreement, with a copy provided to the Association.

**THE VOTE: Davisson, yes; Harley, yes; Burton, yes; Enright, yes;
McGaughey, yes. President McGaughey declared the motion carried.**

- F. It was moved by Enright and seconded by Burton to adopt Resolution #**14-21** placing Junction City Elementary teacher, Kenneth Brian Moore, on suspension without pay pending final action of the Ohio Department of Education on educator misconduct matters pending before it.

WHEREAS, Section 3319.16 of the Ohio Revised Code, which governs teacher contract termination proceedings, provides that a board of education “may suspend a teacher pending final action to terminate the teacher’s contract if, in its judgment, the character of the charges warrants such action;” and

WHEREAS, on or about July 31, 2014, the Ohio Department of Education issued written notice (“ODE Notice”) to New Lexington City School District’s Interim Superintendent that disciplinary action has been initiated against New

Lexington City School District (“District”) teaching employee Kenneth Brian Moore; and

WHEREAS, according to the written notice issued by the Ohio Department of Education on or about July 31, 2014, Mr. Moore’s teaching license is pending the results of an Administrative Hearing by the Ohio Department of Education; and

WHEREAS, the written notice issued by the Ohio Department of Education on or about July 31, 2014, was also accompanied by a Notice of Opportunity for Hearing issued to Kenneth Brian Moore on or about the same date; and

WHEREAS, the date for Administrative Hearing will not have occurred by the start of the 2014-2015 school year; and

WHEREAS, on August 13, 2014, the District’s Treasurer issued written notice to Kenneth Brian Moore of the Board’s intent to consider suspension without pay pending final action on this matter before the Ohio Department of Education; and

WHEREAS, said notice issued by the District’s Treasurer contained the grounds for such intended action; and

WHEREAS, said notice issued by the District’s Treasurer also advised Kenneth Brian Moore of his right to a due process hearing before the Board at its regular meeting on August 18, 2014, regarding these matters, prior to the Board taking official action regarding same; and

WHEREAS, Kenneth Brian Moore voluntarily waived appearing in executive session of the Board at its regular meeting on August 18, 2014, for a due process hearing regarding these matters; and

WHEREAS, such voluntary waiver was acknowledged by Mr. Moore’s representatives; and

WHEREAS, based upon the matters presented during the due process hearing, the Board finds the recommendation to place teaching employee Kenneth Brian Moore on a suspension without pay pending final action on the matters pending before the Ohio Department of Education to be well-taken;

NOW, THEREFORE BE IT RESOLVED, that the New Lexington City School District Board of Education hereby places teaching employee Kenneth Brian Moore on a suspension without pay pending final action of the Ohio Department of Education on the educator misconduct matters pending before it;

BE IT FURTHER RESOLVED, that the action of the New Lexington City School District Board of Education to place teaching employee Kenneth Brian Moore on a suspension without pay shall be effective immediately;

BE IT FUTHER RESOLVED, that during the period of said suspension, the New Lexington City School District Board of Education hereby directs teaching employee Kenneth Brian Moore to refrain from use of any status as a teaching employee of the New Lexington City School District to gain any access to any property owned or operated by the New Lexington City School District, including but not limited to school buildings, classroom space, computers, electronic systems, intellectual property, and the like;

BE IT FURTHER RESOLVED, that the New Lexington City School District Board of Education hereby directs its Treasurer to issue written notice of same forthwith, along with a copy of said Resolution, to teaching employee

Kenneth Brian Moore at his last known address with copies of same to the New Lexington Education Association.

THE VOTE: Enright, yes; Burton, yes; Harley, yes; Davisson, yes; McGaughey, yes. President McGaughey declared the motion carried.

- G. It was moved by Burton and seconded by Davisson to approve Licensed, Supplemental Contracts for the 2014-15 school year:

Name	Position 2014-15	Exp.	Salary
C. Tyler Fickel	HS Yearbook Advisor	0	\$1,280
Coleman McCoy	Senior Class Advisor	0	\$1,280

THE VOTE: Burton, yes; Davisson, yes; Enright, yes; Harley, yes; McGaughey, yes. President McGaughey declared the motion carried.

- H. It was moved by Burton and seconded by Davisson to approve reopener (wages and insurance) for the 2014-15 school year.

THE VOTE: Burton, yes; Davisson, yes; Harley, yes; Enright, yes; McGaughey, yes. President McGaughey declared the motion carried.

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

THE VOTE: Burton, yes; Davisson, yes; Enright, yes; Harley, yes; McGaughey, yes. President McGaughey declared the motion carried.

President

Treasurer