

Special Meeting 9/12/22

Board President Jessica Bryant called this special meeting to order at 5:02 P.M.

Ms. Bryant led the reciting of the Pledge of Allegiance.

The following members answered roll call: Ms. Jessica Bryant, Ms. Debbie Drummond, Ms. Becky Gannon, Mr. Brady Harrison, and Ms. Jamie Murphy.

No motion or second were given as the opening roll call is not commonly a resolution.

2022-203        RESOLUTION TO ENTER INTO AN EXECUTIVE SESSION TO CONSIDER THE DISCIPLINE AND/OR DISMISSAL OF A PUBLIC EMPLOYEE.

Ms. Drummond moved to adopt resolution 2022-203. Ms. Gannon seconded the motion. All members voted yes.

The time was 5:03 P.M.

Mr. Steve Easterling, Superintendent, and Mr. Bradley Miller, Treasurer, were invited into executive session at 5:03 P.M.

Mr. Brad Bennett, Attorney with Bricker & Eckler LLP, was invited into executive session via conference call at 5:12 P.M. The conference call ended at 5:25 P.M.

The Board came out of executive session at 5:50 P.M. with all members present.

2022-204        RESOLUTION - WHEREAS, MR. THOMAS ZERKLE IS CURRENTLY EMPLOYED BY THE DAWSON-BRYANT LOCAL SCHOOL DISTRICT BOARD OF EDUCATION (THE "BOARD") UNDER CONTRACT AS A TEACHER, INCLUDING A SUPPLEMENTAL CONTRACT AS BAND DIRECTOR (HEREINAFTER "CONTRACT");

WHEREAS, OHIO REVISED CODE SECTION 3319.16 AUTHORIZES SUSPENSION AND TERMINATION OF A TEACHER'S CONTRACT FOR GOOD AND JUST CAUSE;

WHEREAS, ON AUGUST 17, 2022, MR. ZERKLE WAS PROVIDED WITH A LETTER, FROM THE SUPERINTENDENT CONTAINING ALLEGATIONS AGAINST HIM THAT NOTIFIED HIM OF AN OPPORTUNITY TO APPEAR BEFORE THE SUPERINTENDENT AT A PRE-DISCIPLINARY HEARING ON AUGUST 23, 2022, WHICH LETTER IS ATTACHED AS "EXHIBIT A;"

WHEREAS, ON AUGUST 29, 2022, MR. ZERKLE WAS PROVIDED WITH A LETTER FROM THE SUPERINTENDENT CONTAINING ADDITIONAL ALLEGATIONS AGAINST HIM THAT NOTIFIED HIM OF AN OPPORTUNITY TO APPEAR BEFORE THE SUPERINTENDENT AT A PRE-DISCIPLINARY HEARING ON SEPTEMBER 1, 2022, WHICH LETTER IS ATTACHED AS "EXHIBIT B;"

WHEREAS, MR. ZERKLE WAS PROVIDED WITH THE OPPORTUNITY TO RESPOND TO THE ALLEGATIONS AGAINST HIM BEFORE THE SUPERINTENDENT.

WHEREAS, ON SEPTEMBER 6, 2022 THE SUPERINTENDENT RECOMMENDED THE BOARD TERMINATE MR. ZERKLE'S CONTRACT FOR THE REASONS SET FORTH IN EXHIBITS A AND B;

WHEREAS, THROUGH RESOLUTION ON SEPTEMBER 6, 2022, THE BOARD AGREED THAT THE CHARGES CONTAINED IN EXHIBITS A AND B CONSTITUTE GROUNDS FOR TERMINATION UNDER O.R.C. 3319.16, AND THAT THE CHARACTER OF THE CHARGES WARRANTS MR. ZERKLE'S SUSPENSION EFFECTIVE SEPTEMBER 7, 2022 PENDING ACTION TO TERMINATE, AND INSTRUCTED THE TREASURER, AFTER CONSULTATION WITH LEGAL COUNSEL, TO PREPARE NOTICE TO MR. ZERKLE OF THE BOARD'S INTENT TO CONSIDER TERMINATION, WHICH SHALL INCLUDE A SPECIFICATION OF THE GROUNDS FOR THE PROPOSED TERMINATION:

WHEREAS, THE TREASURER HAS PRESENTED THE BOARD WITH THE WRITTEN NOTICE TO MR. ZERKLE, ATTACHED AS "EXHIBIT C," FOR APPROVAL.

NOW THEREFORE, BE IT RESOLVED:

THE BOARD HEREBY APPROVES ITS INTENTION TO CONSIDER TERMINATION OF MR. ZERKLE'S CONTRACT OF EMPLOYMENT, ON THE GROUNDS LISTED IN EXHIBIT C WHICH INCORPORATES EXHIBIT A, ITEMS 1-5, AND ALL GROUNDS LISTED IN EXHIBIT B, WHICH ARE ALL HEREBY FULLY INCORPORATED INTO THIS RESOLUTION. EACH ITEM IN EXHIBIT A, EXHIBIT B, AND EXHIBIT C INCORPORATED INTO THIS RESOLUTION IS A SEPARATE, INDEPENDENT GROUND FOR TERMINATION OF MR. ZERKLE'S CONTRACT OF EMPLOYMENT FOR GOOD AND JUST CAUSE, AND INCLUDES BUT IS NOT LIMITED TO, VIOLATION OF BOARD POLICY 3210- STAFF ETHICS; BOARD POLICY 3231 – OUTSIDE ACTIVITIES OF STAFF; BOARD POLICY 7540.04 - ACCEPTABLE USE; BOARD POLICY 7540.07 – COMMUNICATIONS POLICY, INTERNET USAGE OF SOCIAL NETWORKING WEB PAGES AND SITES; PRINCIPLE 2 OF THE LICENSURE CODE OF PROFESSIONAL CONDUCT FOR OHIO EDUCATORS; AND PRINCIPLE 9 OF THE LICENSURE CODE OF PROFESSIONAL CONDUCT FOR OHIO EDUCATORS.

THE BOARD REAFFIRMS THAT, IN THE BOARD'S JUDGMENT, THE CHARACTER OF THE CHARGES AGAINST MR. ZERKLE WARRANTS HIS SUSPENSION WITHOUT PAY PENDING ACTION TO TERMINATE; AND, THE BOARD HEREBY APPROVES SUSPENSION OF MR. ZERKLE'S CONTRACT OF EMPLOYMENT WITHOUT PAY EFFECTIVE SEPTEMBER 7, 2022, PENDING TERMINATION OF THE EMPLOYMENT CONTRACT OF MR. ZERKLE.

THE BOARD RESERVES THE RIGHT TO AMEND THE CHARGES AGAINST MR. ZERKLE AND THE GROUNDS FOR TERMINATING HIS CONTRACT OF EMPLOYMENT.

THE BOARD HEREBY DIRECTS THE TREASURER'S OFFICE TO PROVIDE MR. ZERKLE WITH EXHIBIT C THROUGH CERTIFIED MAIL AS WRITTEN NOTICE OF THIS ACTION OF THE BOARD DECLARING ITS INTENTION TO CONSIDER TERMINATION OF MR. ZERKLE'S CONTRACT, SUSPENDING HIS CONTRACT WITHOUT PAY AND BENEFITS PENDING TERMINATION OF HIS CONTRACT, ITS RESERVATION OF THE RIGHT TO AMEND THE CHARGES AND GROUNDS FOR TERMINATION AND NOTICING MR. ZERKLE OF HIS RIGHT TO REQUEST A HEARING.

THE FORGOING RESOLUTION, WITH EXHIBIT A, EXHIBIT B, AND EXHIBIT C ATTACHED, WAS DULY ADOPTED BY THE DAWSON-BRYANT LOCAL SCHOOL DISTRICT BOARD OF EDUCATION AT ITS SPECIAL MEETING ON SEPTEMBER 12, 2022.

Ms. Bryant moved to adopt resolution 2022-204. Ms. Gannon seconded the motion. All members voted yes.

Ms. Bryant moved to adjourn. Ms. Murphy seconded the motion. All members voted yes.

The time was 5:56 P.M.

The next meeting is scheduled for Monday, September 26, 2022, at 5:00 P.M., at the Dawson-Bryant High School.