

**Minutes of the NORTH ROYALTON BOARD OF EDUCATION Regular Meeting/Work Session
Held October 8, 2015
North Royalton High School Community Room**

SUMMARY

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. RESOLUTION 2015-316: FINALIZATION OF AGENDA
- V. PUBLIC PARTICIPATION
- VI. REPORTS AND RECOMMENDATIONS OF THE SUPERINTENDENT
- VII. ADDITIONAL BUSINESS
- VIII. ANNOUNCEMENTS
- IX. RESOLUTION 2015-317: ADJOURN TO EXECUTIVE SESSION
- X. RESOLUTION 2015-318: Motion to Adjourn

I. CALL TO ORDER. President Anne Reinkober called the regular meeting of the North Royalton Board of Education to order at 6:30 PM, October 8, 2015, at the North Royalton High School Community Room.

II. PLEDGE OF ALLEGIANCE. President Anne Reinkober requested all present to join in the pledge of allegiance to the flag.

III. ROLL CALL. Present: President Anne Reinkober, Vice-President Jacquelyn Arendt, Dr. John Kelly, Dr. Susan Clark and Barbara Zindroski. Also present were Superintendent Gregory Gurka, Treasurer Biagio Sidoti and Assistant Superintendent Jim Presot.

IV. RESOLUTION 2015-316: FINALIZATION OF AGENDA. Resolve the Board of Education to approve the agenda as presented.

Moved by Clark

Seconded by Kelly

Discussion: Mrs. Zindroski made a motion to remove executive session, agenda item IX, from the agenda. She explained the action by sending an email to fellow board members earlier in the day detailing her concern. Mrs. Zindroski attended a legal seminar and shared information in which she feels the wording we currently use for going into executive session is incorrect and does not provide the board or the public with proper language to describe the proper reason for executive session. She said that listing employment as a reason to go into executive session is wrong and stating personnel as a reason to go into executive session is not a valid purpose. She listed valid personnel reasons given at the legal seminar to go into executive session are as follows:

1. Appointment
2. Employment
3. Dismissal
4. Discipline
5. Promotion
6. Demotion
7. Compensation of a public employee or official
8. Investigation of charges and complaints filed against a public employee or official, licensing a regulated individual unless a public hearing is requested

Mrs. Zindroski also reviewed district policy 5517.01 on bullying and other forms of aggressive behavior that require investigation into bullying and aggressive behavior including such acts by staff or coaches. She suggested moving the executive session to the November 12, 2015 board meeting and allowing the soccer parents to discuss the situation from a letter sent to the board and the superintendent if they wish to do so. She believes the board should give these parents due process and also comply with their fiduciary duty as board members to investigate the incidents cited in the letter. She also expressed her concern that if they do not fulfill their fiduciary duty they may be opening themselves up for a lawsuit.

Mrs. Reinkober explained that employment of personnel was not the only reason for going into executive session. It was pointed out that one of the reasons for going into executive session was stated as the employment of personnel and not just personnel.

Mrs. Zindroski apologized for missing that and wanted to know if they were really discussing employment of personnel or charges and complaints against a public employee.

Mr. Gurka stated that what he needed to discuss under employment of personnel deals with a public official's employment within the district.

Dr. Clark pointed out that they were engaging in discussion without a motion being seconded.

Mrs. Zindroski asked if they still intended to discuss the complaint during executive session.

Dr. Clark pointed out that one of reasons listed under executive session on the agenda is matters required to be kept confidential by law.

Mrs. Zindroski felt that the item to be discussed was more a complaint against personnel and not the employment of a person.

Mrs. Reinkober expressed her concern that they were discussing matters meant to be kept private in executive session.

Mrs. Zindroski replied that she did not state any names.

Dr. Kelly felt she made it very clear what she meant.

Dr. Clark called the question to the motion.

No other board member seconded Mrs. Zindroski's motion, therefore executive session remained on the agenda as listed.

Voting of original motion to finalize the agenda as presented:

Voting Aye: Clark, Kelly Arendt, Reinkober

Voting Nay: Zindroski

Motion Carried

V. PUBLIC PARTICIPATION: The public is invited to speak to any of the agenda items and other school topics at this time. Comments should be limited to five minutes. The following people addressed the board:

Mr. Matt Markling addressed the board regarding a Request for Proposal (RFP) for legal services that he sent to the board. He felt it was necessary to rectify the reason given for not interviewing him. He listened to the audio from the September 17, 2015 special meeting in which the board chose firms to interview from the RFP's they received. It was discussed during that meeting, the reason he was not chosen was due to not conforming with the RFP process because he was seeking to be in-house counsel. He explained the detailed analysis of the RFP in which he received stated the board was looking for individual attorneys or law firms to serve in a variety of roles, the first of which included in-house counsel. He responded to the RFP going item by item through the procedures requested. Therefore, he followed the process of the RFP as it was given to him. He believes that the board could benefit from his counsel and requested that they reconsider his RFP. He also brought up the fact that he wasn't certain the board was really invested in looking for new outside legal counsel after listening to the September 17, 2015 audio. Two to three board members stated during the meeting they were happy with current legal counsel. He believes the board will be well served to have general counsel based on the issues he has heard from listening to past audio and the current meeting. Many of the issues he hears are procedural matters which could be taken care of before the meetings. While he respectfully asked the board to reconsider his RFP, he respects their final decision and wants to be certain that if he is not selected to move forward in the interview process, it is not for failure to follow process.

Mrs. Zindroski agreed with Mr. Markling on his point that he wasn't certain the board was invested in looking for outside legal counsel. She said she was surprised as well at the September special meeting when her fellow board members stated they were happy with current counsel. She listed the dates in which legal counsel was discussed: May 7th when Dr. Clark was not there which then went to June 4th, June 25th, July 1st with the RFP, July 9th they passed a unanimous resolution, August 5th, August 10th moved the decision to keep current legal counsel until the January organizational meeting, August 12th and then the September meeting. She said that she was really confused as well after all of the time and effort they have put in. However, they are moving forward with the interviews.

Mr. Vince Weimer, chair of the Community Engagement Task Force, addressed the board to clarify a few facts. He informed the board that he has been working very hard along with his committee to gather information to assist with healing the community and get them talking. The committee has started with the community coffees and have had some great, candid conversations. He further explained that he finds it very difficult to achieve their goals when members of this board sit at a board meeting stating on record, that they want to clear the air about a very sensitive issue with the community - the stadium. Then weeks later their spouse writes a letter to the editor using different numbers than costs given at a board meeting. He expressed that he needs the board to support the Community Engagement Task Force or they will not succeed. He spoke of the most recent article published in the Post by a board member going off record, accusing board members and administrators of taking personal trips using district money. He requested that board members stop putting things out to the public without facts and said he would like to see receipts for the trips discussed in this article. He believes that these acts create problems for the Community Engagement Task Force because they are making false accusations which cannot be supported by documentation. There was never a trip to England. There was never a trip to Las Vegas. He stated that this is not fair to the community to use a board member's signature to make accusations that are not supported by facts. It is his belief that while his committee is working to move the community forward, these letters to the editor are just pushing it backward. He said that arguments between board members have to stop. He believes these actions should have consequences and the board should do something to rectify the situation.

Christine Mark of 8144 Stuart Court in North Royalton addressed the board to request that they consider listening to the parents of students on the soccer team regarding a letter that was sent to the superintendent and board members. She feels things need to be investigated and not done behind closed doors. She said that parents have dealt with the principal and athletic director and they want to know what is being done to fix the situation. Mrs. Zindroski began to ask Mrs. Mark questions at which point Mrs. Reinkober, board president, suggested that Mrs. Mark schedule an appointment with Mr. Gurka to discuss the situation.

VI. REPORTS AND RECOMMENDATIONS OF THE SUPERINTENDENT

Update on the Bomb Threat: Mr. Gurka discussed the bomb threat that occurred on Friday, September 25th. He informed the board that while it was a very scary situation, he was proud of the way the staff and students handled the situation. He also commended the safety forces and detectives involved. He said that everyone followed the procedures set in place for this type of emergency and did a wonderful job. They had a follow-up meeting to assess the situation with members of the police department and administration. He wanted to assure everyone that

the plans we have in place and our Navigate system are working well. He has learned from Homeland Security that this has happened in several other areas of the state. Mr. Gurka informed the board about the safety and security meeting that Mr. Presot attended in which they went over parent communication in these types of situations. There are three things parents should do during these emergency situations:

1. Stay home
2. Stay informed
3. Be ready

Mr. Gurka will be the point person that will call the parents via our district communication system to give information and directions to parents in these situations.

Chromebooks: Mr. Gurka discussed the new site that was created for the board and the best way to access the information. He went over costs as well as the pros and cons of having a district owned device to access the site. The board members agreed that there is an advantage to having a district owned device, but some members did not want another electronic device in their possession. It was decided that possibly the best answer was to have district owned Chromebooks available at board meetings.

HB 2 - Charter School Reform Bill: Mr. Gurka discussed House Bill 2 and the impact on charter schools, STRS, SS and money given for students who attend charter schools in our area. Mrs. Arendt will go into more detail during her legislative report at the Monday, October 12, 2015, board meeting.

Resident's Flooding Concerns: Mr. Gurka updated the board on Mr. Beno's concern that was brought up during public participation at the September board meeting. At that meeting, Mr. Beno would like the board to resolve the flooding issues on his property which he believes is due in part to additions we have built next to his property over the years. Mr. Gurka informed the board that we are working with the city to try and help Mr. Beno with his situation. We are using dirt that was dug out from the baseball field to line the edge of the property that is close to the detention basin and the city is also looking into the portion that is city land to assist in the flooding. This is at no cost to the district other than labor.

Academic Challenge: Mr. Kish, high school teacher, has a team participating in *Academic Challenge* on October 18th and will be aired at a later date.

Elementary Class Size: October is the month in which the district assesses elementary level class sizes. Several classes are exceeding limits. We are hiring aides to assist with these numbers. Many of our administrators are seeking certificated substitutes who are willing to work as an aide while gaining classroom experience to fill these roles. Mr. Gurka believes classroom size is something we should engage the community in at our coffee talks. Parents are expressing that they value smaller classroom sizes. This is something that needs to be looked at since smaller class sizes means hiring more teachers. On Monday, December 7, 2015, at 7:00 PM in the PAC, the Community Engagement Task Force will present their findings to the community.

High School Senior Exit Interview: October 15, 2015, is Senior Exit Interview Day. Anyone interested in participating should email Mr. Gurka.

Teacher In-service Day: November 3, 2015, is no school for students and an in-service day for certified and classified staff. There will be technology and other sessions for certified and classified staff.

Mr. Gurka addressed the editorial in the North Royalton Post from last Saturday and the events that have taken place since then. Board member, Mrs. Zindroski, submitted a letter that was posted in the October 3rd edition of the North Royalton Post, making false accusations that certain trips to Las Vegas and Oxford, England were taken by district officials utilizing district funds and further that a professional development attended by our administrators was improperly funded. As Mr. Gurka wrote in his latest Key Communicator, no such trips took place and no taxpayer dollars were ever used to pay for such trips. The Maumee Bay professional development was in conjunction with the Educational Service Center of Cuyahoga County (ESCCC). The money used for this professional development was from funds provided by the ESCCC. This was confirmed by the superintendent of the ESCCC. Then again, on Tuesday, October 6th, there was yet another article posted online, in the North Royalton Post, once again addressing these fabricated trips. In this most recent article, Mrs. Zindroski questioned the legality of using ESCCC funds for professional development. She went on to say about the alleged trips to Las Vegas and Oxford, England, "I think the trips took place. Who are you going to believe?" Mr. Gurka stated he has confidence that our community wants to hear the truth and the difference between fact and fiction. He said under no circumstances were these trips ever taken or even credibly considered, let alone were tax dollars spent. In addition, it is commonplace, appropriate and valuable to utilize ESCCC funds directed toward our district for professional development as stated by the superintendent of the ESCCC. Mr. Gurka values his administrators and wants to continue to invest in their professional development and growth. It is his opinion that Mrs. Zindroski has accused him of being deceitful, dishonest and misusing public funds, basically accusing him of committing a criminal act. He said that after 27 plus years of being a public educator, to be wrongfully and publically accused of this by a board member for political gain is unimaginable. He will not allow his reputation and years of public service to be tarnished, or that of others, by these accusations of criminal activity. Mr. Gurka advised Mrs. Zindroski that he has conferred with personal legal counsel and is currently considering his legal options against these defamatory and false allegations. He will not allow her to impugn his character and credibility or the character and credibility of others, and destroy this wonderful school district.

Mrs. Zindroski responded by asking Mr. Gurka where the money from the ESCCC funding comes from. She stated that it is county tax money. Mr. Gurka replied that we use those funds properly. She stated that she believes this is no different from the issue in Medina County. Mr. Gurka told Mrs. Zindroski that he will stop talking right

now and his lawyer will be in contact with her if she continues with these allegations. She continued to say that the ESCCC money is tax payers' money and they do not know it is being used until after the fact. She said that money is allocated towards special needs, gifted and talented. Mr. Gurka stated that the ESCCC funds have not been used improperly and he would appreciate it if she would state that fact. She stated that she doesn't consider trips proper use. Mr. Gurka stated the money was used properly for professional development. She questioned why they needed to go out of the district for these trips. He again explained that this is professional development at a conference center with large meeting room space and small breakout sessions. They are meeting and working all day, often in conjunction with several other districts in Cuyahoga County for collaboration with professional development. Again, they are using funds properly used for professional development and is not an improper use of funds. These are not vacation trips. Mrs. Zindroski again asked if these meetings could be held on campus. He told Mrs. Zindroski that she alleged he improperly misused funds. She said that she was not sure that was written. Dr. Kelly stated that we have had a lot of new administrators recently and he believes professional development is time well spent and makes for a better run district.

1. Five-Year Forecast: Mr. Sidoti distributed the Fiscal Year 2016 Five Year Forecast to the board for their approval at Monday night's meeting. He discussed several items in this packet with the board members. He also passed out the Financial Report from month ending September 30, 2015, and the Suburban Health Consortium Report.
2. Upcoming Agenda Review: The Board reviewed the October 12, 2015, regular meeting agenda and made changes where needed.

VII. ADDITIONAL BUSINESS

1. *Elementary Cafeteria and Healthy Snacks*

Mrs. Zindroski had a complaint from a parent about donuts being an option for breakfast, but yet for parties, parents are expected to comply with the healthy snack rule. Mr. Gurka stated that he would look into this, but that the donuts are whole-wheat and not fried. He encouraged Mrs. Zindroski to have these parents contact him so that he can look into matters right away.

2. *Legal Counsel Interviews*

Mrs. Zindroski requested that Mr. Markling's email be placed on the agenda for discussion. There was conversation amongst the board members about the RFP process and specifically, Mr. Markling. Dr. Kelly stated that he did take the time to review Mr. Markling's RFP and while he agrees that he did follow the correct process, he is still comfortable with the firms originally chosen for interviews. Mrs. Arendt apologized if she made any misleading comments at the September 17, 2015, meeting, but she too is comfortable with the firms originally chosen to interview. Mrs. Zindroski expressed her concern about adding Mr. Markling to the interview list. She liked the fact that he was going to be a resident. It was pointed out that residency cannot be considered because it was not a criteria given to the lawyers as part of the RFP process. Mrs. Arendt felt it was misleading that it was stated the board was looking for new legal counsel. The goal was to evaluate current counsel to see if our needs are being served. Mrs. Zindroski again spoke of her confusion about fellow board members suddenly not feeling the need to interview other firms. She explained that there were nine meetings about this subject, Dr. Clark put the RFP together, and all of this took a lot of time and effort. It was decided by the majority that the board would proceed with the original interviews decided at the September 17, 2015, meeting.

3. *OSBA Capital Conference*

- Attendance

Mrs. Zindroski stated that she isn't sure what past practice was, she is not sure, it may be her, she doesn't think so - but going forward she does not think current board members up for re-election should go to the OSBA Capital Conference unless they are elected again. She thinks that those that are elected after November 3rd should go. She will not go unless she is re-elected. Dr. Kelly pointed out that Mrs. Reinkober is our delegate and is obligated to go. He pointed out that Mrs. Zindroski's suggestion is a change in policy and he would not be opposed to looking at changing the policy regarding this matter. There was discussion on how many people attend this conference. Dr. Kelly asked Mrs. Zindroski what she did in 2009 when she was not successful in her election, regarding attendance at the OSBA Capital Conference. She said she did not remember. He requested that this information be looked up. Mrs. Zindroski spoke of two members that went for four days in 2007 and the entire administration and board went to an expensive restaurant which she doesn't feel is right. She said that hotel rooms are one thing because that expense is hard to control, but food prices are something that can be controlled. The policy committee will look into this subject.

- Delegate Information

Mrs. Reinkober asked if everyone looked through the legislative platform. No one had any concerns about what was presented.

VIII. ANNOUNCEMENTS

Regular Board Meeting	Oct. 12, 2015	7:00 PM	NRHS Community Room
Community Engagement Task Force Mtg.	Oct. 20, 2015	7:00 PM	NRHS Media Center
Legal Counsel Interviews	Oct. 26, 2015	7:00 PM	NRHS Community Room
Legal Counsel Interviews	Oct. 27, 2015	5:00 PM	NRHS Community Room
NR Recreation Board Meeting	Oct. 27, 2015	6:00 PM	NR City Hall
Regular Board Meeting/Work Session	Nov. 12, 2015	6:30 PM	NRHS Community Room
Regular Board Meeting	Nov. 16, 2015	7:00 PM	NRHS Community Room
PHNR Meeting	Nov. 18, 2015	9:00 AM	NRHS Community Room

IX. RESOLUTION 2015-317: ADJOURN TO EXECUTIVE SESSION. Adjourn to executive session at 8:10 PM to consider matters required to be kept confidential by federal law and to consider the employment of a public employee.

Moved by Kelly

Seconded by Clark

Discussion: Mrs. Zindroski stated that if the executive session discussion goes into issues without parents having the ability to be present, she will dismiss herself.

Voting Aye: Kelly, Clark, Arendt, Zindroski

Voting Nay: Zindroski

Motion Carried

Meeting called back to order at 8:20 PM

X. RESOLUTION 2015-318: Motion to Adjourn
Motion to adjourn meeting at 8:30 PM.

Moved by Kelly

Seconded by Arendt

Voting Aye: Kelly, Arendt, Clark, Zindroski, Reinkober

Motion Carried

ATTEST:



TREASURER



BOARD PRESIDENT

11/16/15

DATE

11/16/2015

DATE