

RECORD OF PROCEEDINGS

November 17

Board of Education Meeting

2020

The Mansfield City Schools Board of Education met in regular session on Tuesday, November 17, 2020 at 5:30 p.m. in the Lowell T. Smith Board of Education Room at the Raemelton Administration building. Superintendent Stan Jefferson and Treasurer, Tacy Courtright were present. The meeting was live-streamed on the district's YouTube channel for public viewing due to COVID19.

The pledge of allegiance was recited

Mrs. Courtright called the roll:

Roll call: Ms. Cline, present; Mr. Elswick, present; Mr. Feagin, present, Mrs. Golden, present; Mrs. Weber, present,

20 - 172 Resolution to approve the agenda

Mrs. Weber moved, Mr. Feagin seconded the motion to approve the agenda

Roll call: Mrs. Weber, Yes; Mr. Feagin, Yes; Ms. Cline, Yes; Mrs. Golden, Yes; Mr. Elswick, Yes

Presentations:

Every Student – Every Day Champions

Mr. Jonathan Burras, Director of Special Education presented our November Every Student – Every Day Champions – The Nurses of our District – Susan Inscore, Clara Freer, Dianna Flannigan, Annette Mangan, April Prosser, Kim Keys, and Diane Stewart

In June, the nurses, together, offered to step up to the plate to help the district create a plan to safely open with the intent to remain open for our students and families. The Nurse team has been integral and critical in formulating the districts reentry plan. Some serve on the district's safety team and all have maintained weekly meetings with Andrea Moyer and our safety consultants, Sandy Hovest and Lauren Yeagle. It has been a long journey, but our nurses continue to light the way forward. They are our first line of defense, and are pulled in a million different directions on any given day. They constantly adapt, and are required daily to make quick decisions in stressful conditions, in uncharted waters. They are humble and thoughtful. We are so proud and lucky to have this veteran, highly trained team. Their service to our student, families and staff is tremendous.

Safety Update

Andrea Moyer our Director of School Improvement and Safety addressed the board and introduced our Safety Consultants Sandy Hovest and Lauren Yeagle. Sandy began by saying that the 5 basic safety protocols continue to be our best defense against COVID. Staff and students are doing an excellent job with daily health assessments, face coverings, hand hygiene, social distancing, cleaning and disinfecting. They also explained the difference between Quarantine and Isolation and the number of days assigned to both.

Sandy and Lauren also stressed that over the upcoming holidays you need to limit your social bubble, avoid large groups, parties, and family dinners, weddings and funerals. Maintain distance and limit the amount of time you are together. Ms. Moyer shared the number of students and staff that have tested positive and we feel that those numbers are fairly low, due to the protocols that we follow immediately after a case is reported. Ms. Moyer asked for questions and Ms. Cline commented that Ms. Moyer and Sandy and Lauren have done an excellent job keeping our staff and students safe and assured them that we truly appreciate their hard work.

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Family Engagement

Dr. Holly Christie, Director of Student Support programs and Amy Bradley, Principal of Sherman Elementary addressed the board regarding the National Network of Partnership Schools Grant. This grant is part of our Family Engagement plan and at this time the team is working with the Middle School and Sherman Elementary. The Sherman group, led by Amy Bradley, is focusing on parents needs to help support their students academically. Gorman Rupp and the SST 7 are also active members of this team and they have helped by supplying Literacy Bags for every Sherman student. Dr. Christie wants to celebrate this collaboration and is looking forward to working with the Middle School team in the near future.

Superintendent's Report

Mr. Jefferson once again thanked the Teachers, the Administrative team, and the Support staff for working hard to keep our schools safe and open, both online and the brick and mortar. He also thanked the board for their support as we all strive to get through these difficult times and try our best to provide a safe environment for learning.

20 – 161 Resolution to approve the Treasurer's agenda items

Mr. Feagin moved, seconded by Mrs. Weber to approve the Board Minutes, October's financials, and gifts to the district

- A. Board Minutes – Regular Board Meeting - October 20, 2020, Special November 10, 2020
- B. Approval of the October financial report
- C. Gifts to the District

The following gifts have been donated to the district:

1. 20 pair of football cleats were donated to Mansfield Senior High Athletic Department from Lisa Grubbs. No value was given.
2. \$100.00 visa gift card was donated to Springmill STEM School from the NCSC honors College and Peter Protopappas The gift card may be used by the school as needed.
3. A large Tyger paw/claw seat was donated to Malabar Intermediate School from Mark Gardner. It will be placed in Malabar's new vestibule once the vestibule is

Dr. Holly Christie joined in to recognize and publicly thank the many businesses and agencies that have donated school supplies, warm winter clothing and toiletries to our SAFE program.

The City of Mansfield, Mayor Theaker dropped off 150 \$20.00 Kroger gift cards for our families to help with food purchases over the holidays. Hamilton Insurance donated warm gloves, hats, and socks to our SAFE program that were sent home in book bags. Bridgette Vavra and her daughters raised funds through their church to donate along with Barbara Kern, who also donated supplies to our SAFE program.

Roll call: Mr. Feagin, Yes; Mrs. Weber, Yes; Mrs. Golden, Yes; Ms. Cline, Yes; Mr. Elswick

20 – 162 Resolution to approve the purchase of Tiny House

Mrs. Weber moved, seconded by Mr. Elswick to approve the purchase of the Tiny House for the Construction Trades program.

Roll call: Mrs. Weber, Yes; Mr. Elswick, Yes Mr. Feagin, Yes; Mrs. Golden, Yes; Ms. Cline, Yes;

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20 – 163 Resolution to approve the Five-Year Forecast

Mrs. Weber moved, Mr. Elswick seconded the motion to approve the Five-Year forecast

Roll call: Mrs. Weber, Yes; Mr. Elswick, Yes; Mrs. Golden, Abstained; Ms. Cline, Yes; Mr. Feagin, Yes

20 – 164 Resolution to approve the Arlin Field Renovation and the Lighting Project for Arlin Field and Mansfield Sr. High

Ms. Cline moved, seconded by Mrs. Weber to approve the Arlin Field Renovation and the Lighting project for Arlin Field and Mansfield Sr. High School

Roll call: Ms. Cline, Yes; Mrs. Weber, Yes; Mr. Feagin, Yes; Mr. Elswick, Yes; Yes; Mrs. Golden, Yes

20 - 165 Resolution to approve the Superintendent’s recommended contracts

Mrs. Golden moved, seconded by Mr. Feagin to approve the Superintendent’s recommended contracts

- a. BS Media
- b. Orientation and Mobility Services – NCOESC
- c. Therapy Services – St. Peter’s
- d. Musician in Residence

Roll call: Mrs. Golden, Yes; Mr. Feagin, Yes; Mrs. Weber, Yes; Mr. Elswick, Yes; Ms. Cline, Yes

20 – 166 Resolution to adjourn to Executive Session

Ms. Cline moved, seconded by Mrs. Weber to enter into an Exeuctive session at 7:05 p.m. for the purpose of:

- 1. To consider the employment, dismissal, or discipline of a public employee or official

Roll call: Ms. Cline, Yes; Mrs. Weber, Yes; Mr. Feagin, Yes; Mr. Elswick, Yes; Yes; Mrs. Golden, Yes

The board returned from Executive Session at 8:49 p.m.

20 – 167 Resolution to approve the Superintendent’s recommended Personnel actions A – F

A. Appointments

Name	Position	Location	Eff. Date	Rate
<u>Non-Certificated</u>				
Barber-Rosser, Mary	Paraprofessional – Special Education (part-time)	Malabar Intermediate	10/23/20	\$13.30/hour, step 0
Roy, Kelli	Custodian – 2 nd Shift Assistant	District	11/16/20	\$13.71/hour, step 0
Shirley, Pamella	Food Service – 4-Hour General Help	Senior High	11/16/20	\$10.71/hour, step 2

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B. Change of Status

Name	Position	Building	Eff. Date	
<u>Certificated to the Tyger Digital Academy; change in assignment; effective 8/24/20</u>				
Colvin, Cindy	Grade 2			
Marks, Heather	Visual Art			
Morris, Candee	Mathematics 9-12			
Proto, Claire	Intervention Specialist – 7-12			
<u>Certificated to the Tyger Digital Academy in addition to in-seat instruction; change in assignment; effective 11/6/20</u>				
Allen, Debra	Visual Art – K-3			
Beasley, John	Physical Education – 4-6			
Broom, Darcie	Physical Education – K-8			
Clay, Rebecca	Physical Education - 4-6			
Kendall-Freas, Ronald	Digital Literacy – K-3			
Kral, Tonya	General Music – K-3			
Lawrence, Christopher	Physical Education - K-3			
Lizak, Douglas	General Music – K-3			
Manco, Lisa	Physical Education – K-3			
Mewhinney, Kara	Visual Art – 4-6			
Porter, Robin	Digital Literacy – K-3			
Reecer, Molly	Visual Art – K-3			
Schwall, Rachelle	General Music – 4-6			
Walter, Katrina	General Music – K-8			
Watkins, Victoria	Visual Art – 4-6			
Weinhardt, Ruth	Visual Art – K-8			
<u>Certificated</u>				
Brown, Lindsay	Substitute to teacher contract – Orchestra	Malabar Intermediate	11/19/20	\$34,134, step 0. Bachelor
Cook, Tammy	Substitute to teacher contract – Intervention Specialist	Malabar Intermediate	11/19/20	\$34,134, step 0. Bachelor
Davis, John	Substitute to teacher contract – Intervention Specialist	Senior High	11/18/20	\$34,134, step 0. Bachelor
Dorsey, Stacey	Substitute to teacher contract – Social Studies	Senior High	11/18/20	\$34,134, step 0. Bachelor
Goodwin, Kathleen	Substitute to teacher contract – Building Support (Pandemic)	Prospect	11/18/20	\$34,134, step 0. Bachelor
Lerdo de Tajada West, Regina	Substitute to teacher contract – First Grade	Spanish Immersion	11/20/20	\$34,134, step 0. Bachelor
McCoy Cador, Sean	Substitute to teacher contract – Spanish	Spanish Immersion	11/18/20	\$34,134, step 0. Bachelor
McLaughlin, Steven	Substitute to teacher contract – TDA and in-seat Science	Mansfield Middle/Senior High	11/23/20	\$34,134, step 0. Bachelor
Meeks, El-Hazziq	Substitute to teacher contract – Intervention Specialist	Senior High	11/18/20	\$34,134, step 0. Bachelor

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Palser, Jesse	Substitute to teacher contract – Intervention Specialist	Senior High	11/19/20	\$34,134, step 0. Bachelor
Patterson, Holly	Substitute to teacher contract – Visual Art	Mansfield Middle	11/18/20	\$34,134, step 0. Bachelor
Priess, Jillian	Substitute to teacher contract – Fourth Grade	Springmill STEM	11/30/20	\$34,134, step 0. Bachelor
Shaffner, Loretta	Substitute to teacher contract – Kindergarten	Sherman	12/1/20	\$34,134, step 0. Bachelor
Sweat, Marianne	Substitute to teacher contract – Project Lead the Way	Malabar Intermediate	11/18/20	\$34,134, step 0. Bachelor
Torres Cardona, Alejandra	Substitute to teacher contract – First Grade	Spanish Immersion	11/18/20	\$34,134, step 0. Bachelor
Wright, Garry	Substitute to teacher contract – ISS/TDA Current Events	Mansfield Middle	11/18/20	\$34,134, step 0. Bachelor
<u>Non-Certificated</u>				
Holmes, Trest	Custodian – Assistant, Second Shift	Mansfield Middle/Senior High	11/12/20	\$15.81/hour, step 7; change in assignment

C. Unpaid Leave of Absence

Name	Position	Building	Eff. Date
<u>Non-Certificated</u>			
Minard, Kimberly	Building Secretary – 10 month	Sherman	11/4/20 – 2/1/2021

D. Supplementals – 2020-2021

Name	Position	Building	Supplemental Amount
Blike, Thomas	6 th period – Culinary Arts	Senior High	\$10,979.83
Boller, Nicholas	6 th period – Cyber Security	Senior High	\$11,065.17
Cramer, Jeffrey	6 th period – Engineering	Senior High	\$10,979.83
David, Dylan	6 th period – Job Training Coordinator	Senior High	\$5,689.00
Eachus, Dirk	6 th period – Performing Arts	Senior High	\$11,150.50
Falde, Garth	6 th period – Machine Technology	Senior High	\$10,809.17
Fitch, Emily	6 th period – Teaching Professions	Senior High	\$10,809.17
Hoovler, Todd	6 th period – Career Based Intervention	Senior High	\$10,638.50
Johnson, Jennifer	6 th period – Health Technologies	Senior High	\$10,439.33
Kentosh, Bradley	6 th period - Science	Senior High	\$10,979.83
Matney, Amanda	6 th period – Physical Education	Senior High	\$10,439.33
Morich, Mark	6 th period – Interactive Media	Senior High	\$11,065.17
Morris, Candee	6 th period – Mathematics	Senior High	\$10,89.17
Morris, Gregory	6 th period – Construction Technologies	Senior High	\$9,017.00
Sackman, Charles	6 th period – Automotive Technologies	Senior High	\$9,017.00

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Stillwell, Kim-Marie	6 th period – Cosmetology	Senior High	\$10,439.33
Carmichael, Wendy	Academic Awards Coordinator	Sherman	\$682.68 (2%)
Horsley, Bianca	Academic Awards Coordinator	Mansfield Middle	\$682.68 (2%)
Deitsch, Tammy	Counselor - contractual extended time - 5 days at per diem at beginning of school year; with timesheet verification	Mansfield Middle	\$1,836.55
Boocks, Janine	Special Education – hired before 1993	Malabar Intermediate	\$1,706.70 (5%)
Fike, Jeanette	Special Education – hired before 1993	Sherman	\$1,706.70 (5%)
Reynolds-Boggs, Debra	Special Education – hired before 1993	Malabar Intermediate	\$1,706.70 (5%)
Winston, Nancy	Special Education – hired before 1993	Senior High	\$1,706.70 (5%)
Beard, Terra	Student Council Advisor	Mansfield Middle	\$1,706.70 (5%)
Building Leadership Team (BLT), \$682.68 (2%)			
Markley, Sarah	Spanish Immersion		
Positive Behavior Intervention Strategies (PBIS) Team, \$682.68 (2%)			
Gasper, Tracy	Malabar Intermediate		
Henry, Keli	Malabar Intermediate		
Owens, Jacob	Prospect		
Pohlabel, Shannon	Malabar Intermediate		
<i>Rescind from August 18, 2020 Board:</i>			
Brookins-Lindsay, Kimberly	9-12 Cheerleader Advisor	Senior High	\$3,413.40 (10%)
Esterak, Abbegael	Volleyball Coach	Senior High	\$2,730.72 (8%)
<i>Should be:</i>			
Brookins-Lindsay, Kimberly	Varsity Cheerleader Advisor	Senior High	\$3,413.40 (10%)
Brookins-Lindsay, Kimberly	Freshman Cheerleader Advisor	Senior High	\$1,706.70 (5%)
Esterak, Abbegael	Middle School Volleyball Coach	Mansfield Middle	\$2,389.38 (7%)
<i>Rescind from September 15, 2020 Board:</i>			
Meeson, MacKenzie	Middle School Volleyball Coach	Mansfield Middle	\$2,389.38 (7%)
<i>Should be:</i>			
Meeson, MacKenzie	Assistant Varsity Volleyball Coach	Senior High	\$2,730.72 (8%)

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<i>Rescind from October 20, 2020 Board:</i>			
Cashell, Rebecca	Class Advisor - Class of 2021	Senior High	\$2,084.04 (6%)
<i>Should be:</i>			
Logan, Amanda	Class Advisor - Class of 2021	Senior High	\$2,084.04 (6%)

E. Stipends – 2020-2021

Home Instruction Tutors; \$23.89/hour, paid as worked per timesheet, general fund			
Clark, Matthew	Dean, Chad	Smith, Shelly	
Special Education Tutor, \$23.89/hour, paid as worked per timesheet			
Reynolds-Boggs, Debra			
Parent Liaisons for Sherman, \$20.00/hour, limited to as needed after school hours, paid as worked per timesheet, Title IA grant funded			
Auger, Nicole			
Family Liaisons for the 2020-2021 school year, \$1,000, grant funded			
Stentz, Mary	Spanish Immersion		
Completion of 45 hours of Talented and Gifted Professional Development; \$450.00, general funds			
Watson, Robert			

F. New Job Description

Graduation Coach			
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G. Inter-District Mileage – 2020-2021

McDaniel, Michelle			
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Roll call: Mrs. Golden, Yes; Mr. Elswick, Yes; Mr. Feagin, Yes; Mrs. Weber, Yes; Ms. Cline, Yes;

20 – 168 Resolution to adopt Employment and Settlement Agreement

Mr. Elswick moved, seconded by Linda Golden to adopt the employment agreement and settlement for Connie Burrows

Roll call: Mr. Elswick, Yes; Yes; Mrs. Golden, Yes Ms. Cline, Yes; Mrs. Weber, Yes; Mr. Feagin, Yes

20 – 169 Resolution to Terminate Marea Smith

Mrs. Weber moved, seconded by Mrs. Golden to approve the termination of employment of Marea Smith on the grounds of violations of written rules and regulations as set forth by the Board of Education, job abandonment, inefficiency, and other misfeasance, malfeasance or nonfeasance and direct the Treasurer to serve upon her notice of this Board's action by certified mail.

Roll call: Mrs. Weber, Yes; Mrs. Golden, Yes; Mr. Elswick, Yes; Mr. Feagin, Yes; Ms. Cline, Yes;

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20 – 170

Resolution to consider the termination of employment of Jessica Blaseg

A RESOLUTION OF THE BOARD OF EDUCATION OF THE MANSFIELD SCHOOL DISTRICT OF RICHLAND COUNTY, OHIO TO CONSIDER TERMINATION OF EMPLOYMENT

THE BOARD OF EDUCATION OF THE MANSFIELD CITY SCHOOLS DISTRICT MET IN A REGULAR SESSION ON November 17, 2020

WHEREAS, this Board believes that the conduct of Jessica Blaseg constitutes grounds for termination under O.R.C. 3319.16, and that the character of the charges against her warrants her suspension pending action to terminate, and

WHEREAS, Jessica Blaseg has been given the opportunity to appear before the Superintendent or designee on October 30, 2020 to show cause why her employment should not be suspended or terminated.

NOW, THEREFORE, BE IT RESOLVED that this Board proceed to consider the termination of the employment of Jessica Blaseg, and

BE IT FURTHER RESOLVED that Jessica Blaseg be suspended without pay or other fringe benefits during the pendency of termination proceedings, such suspension to be effective November 17, 2020, and

BE IT FURTHER RESOLVED that the Treasurer, after consultation with legal counsel, prepare and serve on Jessica Blaseg by certified mail a notice of this action, which shall include a specification of the grounds for the proposed termination.

Mrs. Weber moved the adoption of the foregoing Resolution.

Mr. Feagin seconded that motion.

Upon the roll call the vote was as follows:

Roll call: Mrs. Weber, Yes; Mr. Feagin, Yes; Mrs. Golden, Yes; Ms. Cline, Yes; Mr. Elswick, Yes

ADOPTED: November 17, 2020

ATTEST:

Tacy Courtright, Treasurer
Mansfield City Schools Board of Education

20 – 171

Resolution to consider and take action on the Report and Recommendation of referee, James M. Dietz,

**BOARD OF EDUCATION OF THE
MANSFIELD CITY SCHOOL DISTRICT
RESOLUTION**

The Mansfield City School District Board of Education (the "Board") met in person with the meeting live streamed in regular session on the 17th day of November, 2020, with the following members present:

Renda Cline
Gary Feagin
Chris Elswick
Linda Golden
Sheryl Weber

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Mrs. Weber moved for the adoption of the following Resolution:

RESOLUTION #_171

A RESOLUTION OF THE BOARD ACCEPTING AND ADOPTING THE REPORT AND RECOMMENDATION OF REFEREE, JAMES M. DIETZ, IN THE MATTER OF THE TERMINATION OF THE EMPLOYMENT CONTRACT(S) OF BRANDON HENSLEY AS WELL AS TERMINATING ANY AND ALL EMPLOYMENT CONTRACT(S) BETWEEN BRANDON HENSLEY AND THE BOARD PURSUANT TO AND IN ACCORDANCE WITH OHIO REVISED CODE SECTION 3319.16

WHEREAS, the Board employs Brandon Hensley (“Mr. Hensley”) as a teacher for the Mansfield City School District (the “District”);

WHEREAS, on December 17, 2019, the Board initiated termination proceedings against Mr. Hensley under Ohio Revised Code Section 3319.16 to consider the termination of Mr. Hensley’s employment contract(s) for good and just cause based on his professional misconduct;

WHEREAS, on December 18, 2019, the Treasurer, on behalf of the Board, provided Mr. Hensley with written notice of the Board’s intent to consider the termination of his employment contract(s), with specifications of the grounds for such termination;

WHEREAS, upon receipt of the December 18, 2019 written notice of the Board’s intention to consider the termination of his employment contract(s), with specifications of the grounds for such termination, Mr. Hensley demanded a hearing before a referee on or about December 20, 2019 pursuant to Ohio Revised Code Section 3319.16;

WHEREAS, upon receipt of Mr. Hensley’s demand for a hearing before a referee, the Board timely delivered its notice of setting a hearing before a referee, which set forth such a hearing, subject to the appointment and availability of a referee;

WHEREAS, the Treasurer, on behalf of the Board, sent a timely request to the Ohio Superintendent of Public Instruction requesting that a list of potential referees be designated;

WHEREAS, pursuant to the Treasurer’s request, the Ohio Department of Education delivered a list of three potential referees to the Board and Mr. Hensley, and by agreement, the parties selected Referee, James M. Dietz, as the Referee to hear the matter regarding the termination of the employment contract(s) of Mr. Hensley and to make a report and recommendation regarding the same pursuant to and in accordance with Ohio Revised Code Sections 3319.16 and 3319.161;

WHEREAS, Mr. Hensley did not request a public hearing;

WHEREAS, the Board and Mr. Hensley stipulated that the selection of the Referee under Ohio Revised Code Sections 3319.16 and 3319.161 was procedurally proper and that the hearing itself was properly initiated, and the parties likewise mutually waived the statutory thirty (30)-day timeline as well as the notice and scheduling requirements with respect to the hearing;

WHEREAS, pursuant to and in accordance with Ohio Revised Code Section 3319.16, the Referee conducted a two (2)-day hearing concerning the charges of professional misconduct against Mr. Hensley on August 18, 2020 and August 19, 2020, at which the Board and Mr. Hensley were represented by legal counsel;

WHEREAS, on October 18, 2020, the Referee submitted to the Board and Mr. Hensley his Report and Recommendation in accordance with the Ohio Revised Code Section 3319.16 in the matter of the termination of the employment contract(s) of Brandon Hensley, which is attached hereto and incorporated herein as **Exhibit A**;

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WHEREAS, pursuant to and in accordance with Ohio Revised Code Section 3319.16, the Board has considered and weighed the Referee's Report and Recommendation, and in doing so, the Board has given due deference to the findings and recommendations of the Referee as required by the standards set forth in *Graziano v. Bd. of Edn.*, 32 Ohio St.3d 289, 513 N.E.2d 282 (1987) and *Alridge v. Huntington Local School Dist. Bd. of Edn.*, 28 Ohio St.3d 154, 527 N.E.2d 291 (1988);

WHEREAS, pursuant to and in accordance with Ohio Revised Code Section 3319.16, the Board is now obligated to accept or reject the Referee's findings and recommendations as required by the standards set forth in *Graziano v. Bd. of Edn.*, 32 Ohio St.3d 289, 513 N.E.2d 282 (1987) and *Alridge v. Huntington Local School Dist. Bd. of Edn.*, 28 Ohio St.3d 154, 527 N.E.2d 291 (1988);

NOW, THEREFORE, BE IT RESOLVED by the Board:

I. Preamble

The Board has considered and weighed the findings and conclusions/recommendations in the Report and Recommendation of the Referee in the matter of the termination of the employment contract(s) of Mr. Hensley. For the following reasons, the Board accepts and adopts the Referee's conclusion and recommendation that the Board met its burden to prove, based on the evidence in the record, that Mr. Hensley engaged in inappropriate actions, as set forth in the grounds for termination provided to Mr. Hensley by the Board, that are serious matters and constitute good and just cause justifying the termination of his employment contract(s) under Ohio Revised Code Section 3319.16. Thus, through its adoption of this Resolution, the Board hereby terminates all employment contract(s) of Mr. Hensley pursuant to and in accordance with Ohio Revised Code Section 3319.16.

The following findings and conclusions are made by the Board:

II. Findings of Fact

- A. The Board accepts the following Findings of Fact contained in the Referee's Report and Recommendation:
 1. Mr. Hensley was hired by the Board as a Job Training Coordinator/Intervention Specialist, commencing with the 2018-2019 school year. As an Intervention Specialist, Mr. Hensley was paid \$10,000.00 extra. (Report and Recommendation of James M. Dietz, dated October 18, 2020 (hereafter, "Report and Rec."), Findings of Fact, at 3.)
 2. During the 2019-2020 school year, Mr. Hensley was responsible for six Junior-level students during the morning/first half of his day, and Mr. Hensley had Senior-level students during the second half of his day. Mr. Hensley's Junior-level students have multi-handicap disabilities. A paraprofessional was assigned to one of Mr. Hensley's, Junior-level students, and Mr. Hensley had a second paraprofessional aide assigned to his morning Junior-level class. (Report and Rec., Findings of Fact, at 3.)
 3. As a Job Training Coordinator/Intervention Specialist of the District, Mr. Hensley taught his students life skills, communication skills, and soft skills. Mr. Hensley's class was a hybrid class that was intended to get students ready for the workforce/life after high school. (Report and Rec., Findings of Fact, at 3.)
 4. In the 2019-2020 school year, Mr. Hensley's daily schedule consisted of reporting to work at 7:20am, with students to be in the classroom at 7:30am. Mr. Hensley's scheduled planning period/lunch was between 10:34am and 11:24am. (Report and Rec., Findings of Fact, at 3.)
 5. Kristy Diaz ("Ms. Diaz") was employed by the Board as an administrative assistant/secretary for the Career Tech Educational Program. Ms. Diaz's workspace is located within a few seconds walk from Mr. Hensley's classroom. (Report and Rec., Findings of Fact, at 3.)
 6. Ms. Diaz's workspace is covered by a camera, which was initially installed because Ms. Diaz would keep money in her desk (which does not lock) as part of her job responsibilities. (Report and Rec., Findings of Fact, at 4.)

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7. Mr. Hensley and Ms. Diaz initially met at school and became romantically involved beginning in early 2019. (Report and Rec., Findings of Fact, at 4.)
8. Between October 28, 2019 and November 13, 2019, camera footage of Ms. Diaz's desk area was reviewed following allegations of inappropriate activities between Mr. Hensley and Ms. Diaz, and a review of the camera footage confirmed the following:
 - a. October 28, 2019 at approximately 7:50am, Mr. Hensley visited Ms. Diaz at her desk, kissing her multiple times, rubbing her back, and hugging her several times. A student observed the kissing before leaving the area. (Report and Rec., Findings of Fact, at 4.)
 - b. On November 1, 2019 at approximately 7:30am, Mr. Hensley visited Ms. Diaz at her desk, kissing her multiple times and swatting her on the butt. (Report and Rec., Findings of Fact, at 4.)
 - c. On November 6, 2019 at approximately 7:29am, Mr. Hensley visited Ms. Diaz at her desk, kissing and hugging her. (Report and Rec., Findings of Fact, at 4.)
 - d. On November 12, 2019 at approximately 9:59am, Mr. Hensley and Ms. Diaz walked into her office together, kissing while a student was present. (Report and Rec., Findings of Fact, at 4.)
 - e. On November 13, 2019 at approximately 8:31am, Mr. Hensley visited Ms. Diaz at her desk, and with a student in the area, they kissed multiple times. (Report and Rec., Findings of Fact, at 4.)
 - f. On November 13, 2019 at 10:19am, Mr. Hensley visited Ms. Diaz at her desk, kissing her and rubbing her back in front of a student. In addition, Mr. Hensley then kissed Ms. Diaz multiple times with another student seated at the computers in the same area. (Report and Rec., Findings of Fact, at 4.)
9. The physical interactions between Mr. Hensley and Ms. Diaz, including hugging, kissing, backrubs, and other touching – as caught on camera in her workspace – increased in intensity when no one else was present. Further, based upon the camera footage, Mr. Hensley and Ms. Diaz would usually separate and have less physical contact when others were in Ms. Diaz's office workspace. (Report and Rec., Findings of Fact, at 4.)
10. Ms. Diaz would often, if not daily, spend time with Mr. Hensley in his classroom during his planning/lunch period. During his planning/lunch time, Mr. Hensley would hug and kiss Ms. Diaz, if the room was empty. (Report and Rec., Findings of Fact, at 4.)
11. Mr. Hensley would often have students and/or other teachers drop into his classroom during his planning/lunch period. (Report and Rec., Findings of Fact, at 4.)
12. Mr. Hensley's classroom door was locked at all times due to safety concerns. The door to his classroom had a window, which was intended to be completely covered up for classroom safety issues. Mr. Hensley's classroom door window was not completely covered up, as there was a small gap between the papers used to cover the window, which allowed anyone from the outside to see into the classroom. (Report and Rec., Findings of Fact, at 5.)
13. Student B¹ was a student of Mr. Hensley for the 2018-2019 and 2019-2020 school year. Student B was fond of Mr. Hensley and Ms. Diaz. Student B often skipped class and would come to Mr. Hensley's room during Mr. Hensley's planning/lunch time. Although Student B was disciplined for behavior, such as skipping classes, Student B took responsibility for such actions and accepted such discipline. Student B did not hold a grudge for the student's own inappropriate conduct. (Report and Rec., Findings of Fact, at 5.)
14. On November 11, 2019, Student B was on Student B's way to Mr. Hensley's classroom, which was located in Room 1316, at approximately 11:04am. Student B looked through and between the gap in the paper covering

¹ Based upon the Family Education Rights and Privacy Act ("FERPA"), the parties agreed that student witnesses are referred to as "Student A" and "Student B" to protect their identities and other personally identifiable information.

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the door window of Mr. Hensley's door to his classroom, and in doing so, Student B saw Mr. Hensley and Ms. Diaz having sexual intercourse. (Report and Rec., Findings of Fact, at 5.)

15. Student B then turned around and went back down the hallway, where Student B encountered Student A and reported what Student B saw to Student A. Further, Student A is an honor roll student. Student A did not have any interactions with Mr. Hensley and was unaware of his name. Student A knew of Ms. Diaz as a member of the school staff. (Report and Rec., Findings of Fact, at 5.)
16. Student B and Student A returned to Mr. Hensley's classroom door window and looked through the gap in the window covering. Student A saw Mr. Hensley and Ms. Diaz having sexual intercourse. Student A and Student B left the doorway and returned down the hallway. The interactions of Student A and Student B were caught on school cameras. Video camera footage of Student B, initially, and Student A and B shortly thereafter, shows that Student A and Student B witnessed an event in Mr. Hensley's room that was significant, based upon the change in their body language from before entering into the recessed door area, looking through the gap in the doorway window, and thereafter returning back down the hallway. (Report and Rec., Findings of Fact, at 5.)
17. On the evening of November 11, 2019, Student A informed the student's parents of the observations the student had witnessed in Mr. Hensley's classroom. (Report and Rec., Findings of Fact, at 5.)
18. On November 12, 2019, Student A shared with a staff member, at the insistence of Student A's parents, what the student had observed the day before in Mr. Hensley's classroom. (Report and Rec., Findings of Fact, at 5.)
19. The District commenced an investigation into the allegations of Mr. Hensley's professional misconduct. As part of the investigation, Student A and Student B were interviewed separately and on multiple occasions. Also as part of the investigation, Student A was asked to write a witness statement detailing what the student had observed in Mr. Hensley's classroom on November 11, 2020. Likewise, Student B was interviewed as part of the District's investigation, and Student B's observations were transcribed by the District. Moreover, the oral and written statements of Student A and Student B were consistent and detailed, including that Ms. Diaz was wearing a dress. (Report and Rec., Findings of Fact, at 5.)
20. At the hearing, Mr. Hensley admitted to touching and kissing Ms. Diaz during his planning/lunch period as well as giving her back rubs. Also at the hearing, Mr. Hensley admitted: (1) Ms. Diaz was with him in his classroom at 11:00am on November 11, 2019; (2) Mr. Hensley and Ms. Diaz kissed while they were in his room during his planning/lunch period on November 11, 2019; and (3) Ms. Diaz was wearing a dress that day and at that time. (Report and Rec., Findings of Fact, at 6.)
21. At the hearing, Mr. Hensley testified that it was possible he gave Ms. Diaz a back rub on November 11, 2019 during his planning/lunch period. (Report and Rec., Findings of Fact, at 6.)
22. Under Mansfield Board Policy, specifically Board Policy 3213 ("Student Supervision and Welfare"), a professional staff member shall report immediately . . . any . . . potentially harmful condition or situation s/he detects. (Report and Rec., Findings of Fact, at 6.)
23. Under Mansfield Board Policy, specifically Board Policy 3210 ("Staff Ethics"), each professional staff member shall: "refrain from intentionally exposing students to disparagement or embarrassment; . . . make a constructive effort to protect students from conditions detrimental to learning, health or safety; . . . assume responsibility and accountability for his/her performance and continually strive to demonstrate competence; and endeavor to maintain the dignity of the profession by . . . demonstrating personal integrity; . . . [and] should not leave unqualified persons in charge of students." (Report and Rec., Findings of Fact, at 6.)
24. Pursuant to the Mansfield Senior High School Campus Student/Parent Handbook, Student Code of Conduct, in particular, the section addressing "Inappropriate Display of Affection," "any student [who] engages in inappropriate, consensual verbal and/or physical gestures/contact, of a sexual nature to another student . . . is violating the code of conduct." (Report and Rec., Findings of Fact, at 6.)

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25. Pursuant to Principle 1 of the Ohio Department of Education's *Licensure Code of Professional Conduct for Ohio Educators* ("Professional Behavior"), "[A]n educator serves as a positive role model to both students and adults

and is responsible for preserving the dignity and integrity of the teaching profession and for practicing the profession according to the highest ethical standards." (Report and Rec., Findings of Fact, at 6.)

26. Pursuant to Principle 2 of the Ohio Department of Education's *Licensure Code of Professional Conduct for Ohio Educators* ("Professional Relationships with Students"), "[C]onduct unbecoming includes, but is not limited to, the following actions: . . . [F]ailing to provide appropriate supervision of students, within the scope of the educator's official capacity, which risks the health, safety and welfare of students or others in the school community." (Report and Rec., Findings of Fact, at 6.)

III. Procedural History

Although not essential to the outcome of this case, the Board accepts the Referee's Procedural History as set forth in the Report and Recommendation.

IV. Conclusions of Law, Referee Recommendation and Board Conclusions

A. The Board accepts and adopts the Referee's conclusions and recommendations that Specifications 1 and 2, as set forth by the Board in its December 18, 2019 written notice to Mr. Hensley, are substantiated by a preponderance of the probative, reliable, and substantial findings of fact and/or record evidence, and thus, that Mr. Hensley's inappropriate actions as "proven before this Referee clearly are serious matters and constitute other good and just cause justifying the termination of his contract as provided for under O.R.C. §§ 3319.16." (Report and Rec., Conclusions of Law, at 12.) . Specifically, the Board accepts the following Conclusions of Law contained in the Report and Recommendation:

1. On November 11, 2019, at approximately 11:04 AM, you had sexual intercourse with coworker Kristy Diaz in room 1316 at Mansfield Senior High School. This was witnessed by at least two students.

1. In considering this allegation, the evidence consists of: (a) the testimony of (i) Student A, (ii) Mr. Hensley and (iii) Kristy Diaz as well as (b) statements by Student A and Student B, and (c) video evidence of the hallway outside Mr. Hensley's classroom on November 11, 2019 at 11:00 am - during the time period indicated. Mr. Hensley has confirmed that he was in his classroom on November 11, 2019 at 11:04 AM with Kristy Diaz. While he cannot specifically remember what they were doing, he does remember hugging her and kissing her. (One explanation put forth as to what Mr. Hensley and Kristy Diaz were doing at the time that the two students observed them was that Mr. Hensley was giving Kristy Diaz a back rub. While Mr. Hensley confirms that such activities happened during his planning/lunch period, he has no specific recollection as to whether this happened on November 11. Conversely, Kristy Diaz specifically testified that back rubs never happened during the planning/lunch periods because Mr. Hensley had in fact purchased her an apparatus which she used on her back in lieu of back rubs from him.)
2. Mr. Hensley and Kristy Diaz deny having sexual relations on November 11, 2019 in Mr. Hensley's classroom.
3. Thus, based solely on Mr. Hensley and Kristy Diaz's testimony, they were in his classroom on November 11, 2019 around 11:00 AM, potentially hugging and kissing. (One states maybe back rubs were going on while the other states no back rubs happened.)
4. Student A and Student B both report seeing Mr. Hensley and Kristy Diaz engaged in sexual intercourse. Student A's reaction on the video clearly demonstrates that Student A saw something significant. Likewise. Student B's actions on the video also indicate that Student B saw something significant when looking into Mr. Hensley's classroom. Student A was clearly embarrassed when Student A first approached a teacher the next day to report their observations. Student B's demonstrative reporting of their observations when questioned was consistent with their demeanor as being very demonstrative and appeared forthright and honest.

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5. The Referee has no reason to doubt Student A and Student B and their testimony/written statements. In addition, in reviewing the video of Mr. Hensley and Kristy Diaz while in her work area on multiple days in October and November 2019: (1) there were cameras, (2) there were students who occasionally entered in this space and (3) there other adults also occasionally entered the space. Nevertheless, Mr. Hensley and Kristy Diaz displayed significant affection for each other through hugging, kissing and other physical contact. Admittedly, they would dial back their physical activities when they were aware of others in the area. All of this leads the Referee to conclude that when Mr. Hensley and Kristy Diaz were presumably alone in his classroom, their physical activity would have intensified up to and including sexual intercourse.
6. Conversely, Mr. Hensley and Kristy Diaz have motivations to not be truthful.
7. Specifically, as to Kristy Diaz, her testimony was defensive and less credible. For example, Kristy Diaz testified as follows regarding interactions at her desk involving Mr. Hensley:

Q: Were there times when Mr. Hensley visited you at your workstation at the career tech office?

A: There were times, yeah. He did trash. His students did trash. They clean tables and stuff. So, when they would come down my hallway. He would stop in there and they emptied my trash. They did recycling. So, he would come in there. And they also cleaned my room. That was part of what they did. They did the bus garage, stuff like that. And they were -part of their job was to clean the career tech office.

Q: Were there times when he visited you at your office when the career tech students weren't doing those things?

A: No. They would be right outside the door. They would be in the back cleaning the table and things like that. There's a conference room back there where the superintendent, Stan Jefferson and Scott and - they would go back there and meet and other people from central office would come in and meet. So, they would clean that room. There's a bathroom back there and they were clean. There's two other offices. So yeah there were always kids around.

8. It is clear from the videos, and from Mr. Hensley's testimony, Mr. Hensley routinely visited Kristy Diaz at her workspace when Mr. Hensley's students were not "right outside the door," contrary to Kristy Diaz's testimony.
9. In analyzing the Board's allegation and determining what happened, it is undisputed that Mr. Hensley and Kristy Diaz routinely engaged in hugging and kissing and sexual conduct which was admitted by Mr. Hensley and captured on video; it is undisputed that Mr. Hensley and Kristy Diaz were in his room on November 11 at 11 :00 AM when the Students A and B peered into his class door window; Mr. Hensley admitted kissing and hugging Kristy Diaz on the same day during the same timeframe; Kristy Diaz was wearing a dress on that day and time consistent with Student A and B's testimony and statements; and the video evidence depicting the students' real-time response to their looking into Mr. Hensley's classroom is all undisputed/unrefuted.
10. Mr. Hensley testifies that he cannot remember exactly what he and Kristy Diaz were doing specifically at the exact time that the students would have been looking into his classroom. Kristy Diaz's testimony in general often conflicts with Mr. Hensley's testimony regarding the same situations and is less credible than the Students' testimony.
11. Therefore, based upon the evidence presented, including the agreed upon facts and weighing the testimony, the Referee finds that Mr. Hensley and Kristy Diaz engaged in sexual intercourse on November 11, 2019 in Mr. Hensley's classroom which said act was observed by two high school students.

2. You have engaged in a pattern of inappropriate and sexual conduct with Kristy Diaz in her office. Students and staff members have been present during some of this conduct. You've also repeatedly arrived late to work and abandoned your classroom to engage in inappropriate conduct with Kristy Diaz when you should have been performing your job duties in your classroom.

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12. Based upon unrefuted video evidence and Mr. Hensley's own admission, the Board likewise proved this allegation and specifically established that on October 28, 2019, November 1, 2019, November 4, 2019, November 6, 2019, November 12, 2019 and November 13, 2019, a pattern of inappropriate and sexual conduct with Kristy Diaz occurred.

During examination by his attorney, Mr. Hensley testified:

Q: Now we've already discussed you watched the videos that have been shown here. Right?

A: Yes.

Q: You seen the images or you touching and kissing Ms. Diaz, right?

A: Yes.

Q: How would you describe your behavior?

A: I would have to say it was inappropriate Just looking back on it just thinking about it again and seeing it, yeah, in that setting, it was inappropriate.

Q: Now, some of the behavior is patting Ms. Diaz on the rear end. There is evidence that you had your hand on her breast. Was anyone present when that behavior was taking place?

A: No.

Q: Did you change your behavior when others were present?

A: Yes.

13. And during cross-examination, Mr. Hensley finally confirmed that not only his behavior with Kristy Diaz was inappropriate, but he also acknowledged that he should have been in the classroom with his students, at all times. On multiple occasions, for extended periods of time, when he should have been with his students, Mr. Hensley was with Kristy Diaz for purely personal reasons and for personal gratification. The time spent at Kristy Diaz's workspace involved leaving his students, when they were under his charge, when they were his responsibility and potentially endangering them and others. Furthermore, Mr. Hensley's physical interactions with Kristy Diaz were potentially harmful to those students who observed said interactions, compromised his ability to be a leader and a mentor and betrayed his responsibilities and duties as a professional educator.

14. Mr. Hensley's activities violated Board policies:

- as he refrained from intentionally exposing students to disparagement or embarrassment;
- as he failed to make a constructive effort to protect students from conditions detrimental to learning, health or safety);
- as he failed to assume responsibility and accountability for his/her performance;
- as he failed to endeavor or to maintain the dignity of the profession by ... demonstrating personal integrity; and
- as he should not have left unqualified persons in charge of students.

15. Mr. Hensley now admits that he simply was not thinking at the time of his interactions with Kristy Diaz. He let his feelings and emotions overcome his better judgment to the detriment of his students and the school environment.

16. Educators shall serve as positive role models to adults and students and are responsible for preserving the dignity and integrity of the teaching profession. Mr. Hensley's actions during the time frames of October and November 2019 as brought forth before this hearing, demonstrate his failure to serve as such a role model. Likewise, and more importantly, his conduct by failing to provide appropriate supervision of his students, risk the health, safety and welfare of his students and others. Mr. Hensley's conduct significantly, adversely impacted

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Students A and B who had to direct observation of his activities and were inappropriate when conducted in from of other students.

- B. The Board accepts and adopts the Recommendation of the Referee on Page 12 of the Report and Recommendation:

Consequently, it is the opinion of the Referee that Brandon Hensley's inappropriate actions as otherwise set forth in the allegations by the Board and proven before this Referee clearly are serious matters and constitute other good and just cause justifying termination of his contract as provided for under O.R.C. § 3319.16.

BE IT FURTHER RESOLVED, the grounds specified in this Resolution, as set forth above, whether taken together or standing alone, constitute good and just cause and are sufficient grounds for termination of employment and all related contract(s) of Mr. Hensley pursuant to and in accordance with Section 3319.16 of the Ohio Revised Code.

BE IT FURTHER RESOLVED, Mr. Hensley's employment contract(s) with the Board are terminated, effective immediately, for good and just cause pursuant to and in accordance with Ohio Revised Code Section 3319.16.

BE IT FURTHER RESOLVED, the Treasurer is authorized and directed to prepare and mail to Mr. Hensley by certified mail a written notice of this action and contract termination, which notice shall include a full copy of this Resolution and order of termination.

BE IT FURTHER RESOLVED, the Board hereby authorizes the Board President, Superintendent, and/or Treasurer to take all actions as may be necessary to implement this Resolution.

BE IT FURTHER RESOLVED, 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 open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public or in executive session as permitted by Ohio law.

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

Upon roll call, the vote resulted as follows:

Ms. Cline	Aye
Mr. Elswick	Aye
Mr. Feagin	Aye
Mrs. Golden	Aye
Mrs. Weber	Aye

ADOPTED by the Mansfield City School District Board of Education this 17th day of November, 2020.

CERTIFICATION OF TREASURER

I, Tacy Courtright, Treasurer of the Board of Education of the Mansfield City School District, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by said Board of Education at its regular meeting on November 17, 2020.

Treasurer
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20 – 172 Resolution to adjourn

Ms. Cline moved, seconded by Mrs. Weber to adjourn the regular meeting

Roll Call: Ms. Cline, Yes; Mrs. Weber, Yes; Mr. Feagin, Yes; Mrs. Golden, Yes

Meeting adjourned at 8:50 p.m.

Renda Cline, President

Tacy Courtright, Treasurer