



CHIPPEWA SCHOOL DISTRICT

**Chippewa School District
Board of Education Regular Meeting**

Via Zoom
Monday, November 16, 2020
6:00 PM

AGENDA

I. OPENING

A. Call to Order :: Moment of Silence :: Pledge of Allegiance

B. Roll Call

Mrs. Rohr *Mr. DeAngelis* *Mrs. Fenn* *Dr. Good* *Mr. Hershberger*

C. Motion to approve the November 16, 2020 Agenda (corrections, additions, deletions) (*ROLL CALL*)

Motion by: _____ *2nd by:* _____

Mr. DeAngelis *Mrs. Fenn* *Dr. Good* *Mr. Hershberger* *Mrs. Rohr*

D. Motion to approve the minutes from the October 12, 2020 Regular Meeting and the November 2, 2020 Work Session. (*ROLL CALL*)

Motion by: _____ *2nd by:* _____

Mrs. Fenn *Dr. Good* *Mr. Hershberger* *Mrs. Rohr* *Mr. DeAngelis*

E. Executive Session (if necessary) (*ROLL CALL*)

Dr. Good *Mr. Hershberger* *Mrs. Rohr* *Mr. DeAngelis* *Mrs. Fenn*

II. STUDENT RECOGNITION / INTRODUCTION OF GUESTS (if necessary)

III. PUBLIC PARTICIPATION

All meetings of the Board and Board-appointed committees are open to the public.

In order for the Board to fulfill its obligation to complete the planned agenda in an effective and efficient fashion, a maximum of 30 minutes of public participation may be permitted at each meeting.

Each person addressing the Board shall give her/her full name and address. If several people wish to speak, each person is allotted three minutes until the total time of 30 minutes is used. During that period, no person may speak twice until all who desire to speak have had the opportunity to do so.

Persons desiring more time should follow the procedure of the Board to be placed on the regular agenda. The period of public participation may be extended by a vote of the majority of the Board present and voting.

Speakers are not permitted to address matters relating to individual students, personnel or other matters made confidential by law.

IV. SUPERINTENDENT'S REPORT (VOICE)

- A. Principal's Report (BOARD PACKET)
- B. Director's Report (BOARD PACKET)
- C. Important Upcoming Dates:

BOE Regular Meeting December 14, 2020

Acceptance of Superintendent's Report (VOICE)

Mr. Hershberger Mrs. Rohr Mr. DeAngelis Mrs. Fenn Dr. Good

V. TREASURER'S REPORT (VOICE)

- A. Five Year Forecast FY21-FY25 (BOARD PACKET)

Acceptance of Treasurer's Report (VOICE)

Mrs. Rohr Mr. DeAngelis Mrs. Fenn Dr. Good Mr. Hershberger

VI. TREASURER'S CONSENT AGENDA (ROLL CALL)

NOTE: *Items under the consent agenda are considered routine and will be enacted under one motion. There will be no separate discussion of these items prior to the time the Board votes unless a Board member requests an item be clarified or even removed from the agenda for a separate action.*

A. Finance

- a. Approve the Five Year Forecast, a copy of which is attached hereto and incorporated herein.
- b. Approve to accept financial reports for September 2020 as attached.
- c. Approve the attached Transfers.
- d. Approve payment to Community Health Care for the Athletic Trainer contract for 2019-2020 school year, PO 21000591 totaling \$18,656.00.
- e. Approve the donation of \$950 from the American Legion Post #407 to be designated to the STEM program (007 fund).

Motion by: _____ 2nd by: _____

Mr. DeAngelis Mrs. Fenn Dr. Good Mr. Hershberger Mrs. Rohr

VII. SUPERINTENDENT'S CONSENT AGENDA (ROLL CALL)

NOTE: Items under the consent agenda are considered routine and will be enacted under one motion. There will be no separate discussion of these items prior to the time the Board votes unless a Board member requests an item be clarified or even removed from the agenda for a separate action.

- a. Approve the following hire for a one year contract for the 2020-2021 school year:
- | | | | |
|-----------------|---------------------|-----------|-------------------|
| Amy Vetter | District Substitute | \$105/day | 11/02/20-12/21/20 |
| Kathi Galehouse | Assistant Secretary | Step 0 | 11/02/2020 |
| William Epling | Teacher Aide | Step 0 | 11/13/2020 |
- b. Approve the correction of the total additional hours per day from 3.5 to 3.25 retroactive to 10/12-20 for Linda Matye, Non-Instructional Aide.
- c. Approve the following winter supplemental contracts for the 2020-2021 school year.
- | | | |
|---|------------------|-------|
| Boys Basketball 7 th Grade Coach | Jeff Ogg | 7.25% |
| Theater Consultant Tech HS | Alexa McCleaster | \$250 |
| Theater Consultant Tech CIS | Alexa McCleaster | \$150 |
- d. Approve the following changes to the winter supplemental contracts that were previously approved at the October 12, 2020 meeting.
- | | | |
|-------------------------------------|--------------|-------|
| Girls Basketball Intermediate Coach | Dave Pierce | 6.25% |
| Wrestling JV Coach | Garrett Hall | 7.25% |
| Wrestling Jr High Assistant Coach | TBD | |
- e. Approve the resignation from Susan Miller as Bus Aide effective October 12, 2020.
- f. Approve to adopt support for the Fair School Funding.

A RESOLUTION TO ENDORSE THE FAIR SCHOOL FUNDING PLAN, AS INTRODUCED IN THE SENATE COMPANION BILL TO SUBSTITUTE H.B. 305, AND TO ENCOURAGE THE 133RD GENERAL ASSEMBLY TO EXPEDITE THE PASSAGE OF THE BILL.

WHEREAS, the Ohio Supreme Court ruled in *DeRolph v. State of Ohio* (1997) that Ohio’s method for funding schools through the state’s school foundation program was unconstitutional under Article VI, Section 2 of the Ohio Constitution; and

WHEREAS, in *DeRolph*, the Ohio Supreme Court declared that Ohio’s school funding system was over-reliant on local property taxes, and as such, was inherently discriminatory to children based on where they reside for disparities exist between communities of affluence and impoverishment; and

WHEREAS, since the *DeRolph* decision, the Ohio General Assembly has failed to create a funding system that meets Ohio’s constitutional standard of securing “... a thorough and efficient system of common schools throughout the state”; and

WHEREAS, Ohio’s solution to satisfy the Ohio Supreme Court’s order has been to pass a series of biennial budgets containing politically expedient remedies that have not eliminated the over-reliance on local property tax or mitigated the discriminatory nature inherent in the series of “funding fixes” legislated over the last 23 years; and

WHEREAS, Ohio’s previous biennial budget crafted by the 132nd Ohio General Assembly, and effective July 1, 2018, through June 30, 2019, created a funding system with “capped” districts, and districts receiving a minimum level of funding referred to as the “guarantee”; and

WHEREAS, the previous biennial budget identified 503 school districts out of 610, or 82%, either “capped” in their funding, or on the “guarantee,” which is a testament that Ohio’s funding model is not effective; and

WHEREAS, Ohio’s current biennial budget crafted by the 133rd General Assembly, froze foundation funding for Ohio schools at 2019 fiscal year levels (effectively placing all districts on “the guarantee”), which funding levels have subsequently been cut due to the economic impact of the Coronavirus pandemic; and

WHEREAS, the current school funding system in Ohio lacks a rational basis for determining both the cost of educating students and how the funding of education is shared between the state and local taxpayers; and

WHEREAS, Representative Robert Cupp (R) and Representative John Patterson (D) convened a statewide workgroup, made up of eight practicing school district CFO/Treasurers and eight practicing Superintendents (the “Cupp-Patterson Workgroup”), to devise a new formula, and recognizing that Ohio needs an overhaul to its school funding system, have spent the last three years determining the inputs necessary to fund a “thorough and efficient system of common schools” that reduces the over-reliance on local property tax and creates equity in the state foundation system; and

WHEREAS, the Cupp-Patterson Workgroup carefully analyzed national research, best practices, actual Ohio school district spending data, and drew on their own extensive experience in educating students and operating school districts to make recommendations for a school funding system that meets the needs of all Ohio’s students in the 21st century; and

WHEREAS, the Cupp-Patterson Workgroup developed recommendations that laid out a rational, transparent, comprehensive and – most of all – fair system for funding schools based on the actual cost of providing a basic education for all students in Ohio (the “Base Cost”); and

WHEREAS, the Cupp-Patterson Workgroup developed a method of sharing the funding of the Base Cost between the state and local taxpayers that is easy to understand and based on a fair, defensible measure of the capacity to generate funds locally; and

WHEREAS, the Cupp-Patterson Workgroup identified and provided a framework for providing additional resources to meet needs beyond those of basic education, including the areas of the social, emotional, safety, and mental health of students, the additional challenges driven by students living in poverty, with special needs, with limited English proficiency, and who are academically gifted; and

WHEREAS, the Cupp-Patterson Workgroup developed recommendations for properly funding Career Technology Centers, Educational Service Centers, and Charter and Community schools; and

WHEREAS, based on the research and work outlined above, the Cupp-Patterson Workgroup produced and recommended the Fair School Funding Plan, which was introduced in House Bill (H.B.) 305, and is currently incorporated into and improved upon in a companion bill in the Senate, Senate Bill (S.B.) 376; and

WHEREAS, the Ohio General Assembly and the Governor of Ohio have an opportunity to devise a funding formula, as outlined in the Fair School Funding Plan, that is an investment in Ohio’s children and Ohio’s future.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Chippewa Local School District, that:

Section 1. It is necessary to formally endorse the Fair School Funding Plan, as introduced in S.B. 376 of the 133rd General Assembly (the Senate companion bill to Substitute H.B. 305), to ensure that K-12 schools in Ohio are funded using a rational school funding system that meets the needs of all Ohio’s students in the 21st century.

Section 2. The Treasurer is authorized to deliver or cause to be delivered a certified copy of this Resolution to community leaders; to members of the Ohio House of Representatives and the Ohio Senate, including Representative Scott Wiggam and Senator Kristina Roegner; and to the office of Governor Michael DeWine.

Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

Motion by: _____ *2nd by:* _____

Mrs. Fenn *Dr. Good* *Mr. Hershberger* *Mrs. Rohr* *Mr. DeAngelis*

VIII. NEW BUSINESS (ROLL CALL)

A. APPROVE CONTINGENCY FEE AGREEMENT AND AUTHORIZE LITIGATION AS ATTACHED

WHEREAS the vaping epidemic among our Nation's students has increased at an alarming rate.

WHEREAS, through their deceptive marketing targeted at students, vaping companies have misled a new generation of students into becoming addicted to nicotine.

WHEREAS the nicotine in vaping products is not only extremely addictive but also negatively affects the development of our students.

WHEREAS a large burden of this student vaping epidemic has been placed upon our Nation's schools including, but not limited to, the Chippewa Local School District.

WHEREAS, in 2019, the law firm of Frantz Law Group, APLC filed a mass-action lawsuit against JUUL Labs, Inc. on behalf of a number of California schools in the case captioned *In re: Juul Labs, Inc. Marketing, Sales Practices & Products Liability Litigation*, United States District Court for the Northern District of California Case No. 3:19-md-2913-WHO ("Action").

WHEREAS, since 2019, schools throughout the Nation have joined in the Action.

WHEREAS the Action seeks to recover damages on behalf of schools to address the health issues caused by the vaping epidemic.

WHEREAS more information about the Action can be found at ohioschoolsagainstuul.com.

WHEREAS, on October 23, 2020, the Honorable Judge William H. Orrick, III ruled that the Action may move forward with a trial date currently set for January 2022.

WHEREAS the law firms of McGown & Markling Co., L.P.A. and Frantz Law Group, APLC ("Law Firms") have entered into an exclusive non-reciprocal co-counsel agreement to facilitate Ohio schools joining the Action.

WHEREAS the Law Firms have offered to represent the Chippewa Local School District in joining the Action pursuant to a contingency fee agreement, a copy of which is attached hereto and incorporated herein.

WHEREAS the contingency fee agreement clearly provides that the Chippewa Local School District shall not be charged any fees, costs, and/or expenses if there is no recovery on behalf of the Chippewa Local School District.

WHEREAS a nominal amount of school personnel time is anticipated for the Chippewa Local School District to participate in the Action.

WHEREAS the Law Firms have provided the Chippewa Local School District with a sample complaint to be filed in the appropriate United States District Courts, a copy of which is maintained by the Superintendent and Treasurer.

Resolution to Approve Contingency Fee Agreement and Authorize Litigation

WHEREAS the bellwether filing deadline for joining the Action is December 15, 2020.

WHEREAS the notice requirements of R.C. 121.22, and applicable laws were complied with for this meeting.

WHEREAS all formal action concerning and relating to the adoption of the instant resolution were taken in an open meeting and all deliberations that resulted in such formal action were in meetings open to the public in compliance with the law.

NOW THEREFORE BE IT RESOLVED THAT the Chippewa Local School District approves and enters into the contingency fee agreement, a copy of which is attached hereto and incorporated herein, with the Law Firms.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Chippewa Local School District directs the Treasurer, Superintendent, and Board President to execute the contingency fee agreement and deliver the same to the Law Firms on behalf of the Chippewa Local School District and pursuant to the instant resolution.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Law Firms are authorized to file the appropriate complaint in the appropriate United States District Courts and to advocate on behalf of the Chippewa Local School District.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the instant resolution shall be in full force and effect from and immediately upon its adoption by the Chippewa Local School District.

Motion by: _____ 2nd by: _____

Dr. Good Mr. Hershberger Mrs. Rohr Mr. DeAngelis Mrs. Fenn

IX. ITEMS OF DISCUSSION (ROLL CALL)

A. Board

Motion by: _____ 2nd by: _____

Mr. Hershberger Mrs. Rohr Mr. DeAngelis Mrs. Fenn Dr. Good

X. EXECUTIVE SESSION (as needed) (ROLL CALL)

_____ moves and _____ seconds a motion for the Chippewa Local District Board of Education recess into executive session pursuant to R.C. 121.22(G) for the following purpose: 1.) Matters required to be kept confidential. Upon conclusion of this executive session, the Board President will gavel the Board back into open session at this location. All matters discussed in this executive session are designated to the public officials and employees as confidential pursuant to R.C. 102.03(B) because of the status of the proceedings and/or the circumstances under which the information will be received, and preserving its confidentiality is necessary to the proper conduct of government business. (Roll Call Vote)

Time: _____ p.m.

Mrs. Rohr Mr. DeAngelis Mrs. Fenn Dr. Good Mr. Hershberger

Meeting reconvened at _____ p.m.

Present: Mr. DeAngelis Mrs. Fenn Dr. Good Mr. Hershberger Mrs. Rohr

XI. MOTION TO ADJOURN (VOICE)

NOTE: *The next Regular Meeting will be held on December 14, 2020 beginning at 6:00 PM.*