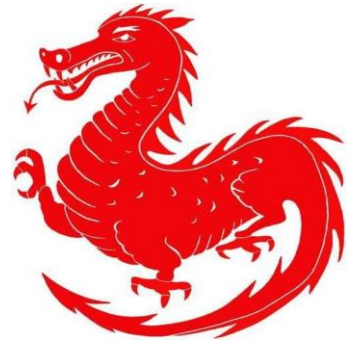


Tony Perrone, President
Mary Ann McMahon, Vice-President
Kimberly Barrell
Christopher Chieffo
Michele Lamb

Ann Marie Thigpen, Superintendent
Rhonda Amorganos, Treasurer

**NILES CITY BOARD OF EDUCATION
NILES CITY SCHOOL DISTRICT**

**ADMINISTRATION BUILDING
309 NORTH RHODES AVENUE
NILES, OHIO 44446
(330) 989-5095**



Monday, August 15, 2022

www.nilescityschools.org

5:15 PM Regular Board Meeting

AGENDA



Our Mission Statement--The mission of the Niles City School District is to instruct a defined curriculum in a safe, educational environment. The district will ensure the opportunity for all students to become responsible learners, critical thinkers, and problem solvers as productive members of a democratic society.

Our Vision Statement--To continually prepare students and staff for technological advancements. To maintain a positive, cohesive school community which encompasses the board, administration, staff members, students, parents or guardians, and all school volunteers. To establish and sustain a collaborative relationship with the community. To unify instruction within the Niles City Schools through the continuous development and use of curriculum guides in the best educational environment.

This is a public meeting of the Niles City Board of Education for the purpose of conducting the school district's business. This is not to be considered a community meeting. Time has been allotted for public participation during the meeting as indicated.

1. Call to Order

2. Roll Call

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

3. Pledge of Allegiance

4. Moment of Reflection

5. Adopt the Agenda

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

6. Executive Session

Each executive session discussion must be limited to the purpose or purposes stated below. It is unlawful to state only one purpose for an executive session, but to then discuss a second topic (although an executive session may be called for the purpose of discussing several topics).

- The appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or the investigation of charges or complaints against an employee, official, licensee or student, unless the employee, official, licensee or student requests a public hearing.

- The purchase of property for public purposes or the sale of property at competitive bidding.
- Conferences with the board's attorney to discuss matters which are the subject of pending or imminent court action.
- Preparing for, conducting or reviewing negotiations or bargaining sessions with employees.
- Matters required to be kept confidential by federal law or rules or state statutes.
- Specialized details of security arrangements.

- a. Under the provision of O.R.C. 121.22, the Niles City Board of Education will recess to Executive Session at _____ P.M. to discuss:

1. Preparing for, conducting or reviewing negotiations or bargaining sessions with employees.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

Reconvene the Board Meeting at _____ P.M.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

7. Approve the Minutes for the following meetings

- July 25, 2022 Special Board of Education Meeting
- July 28, 2022 Regular Board of Education Meeting

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

8. Board Committee Reports

- Athletic Council
- Facilities Maintenance Committee--Safety
- Finance Committee
- Legislative Liaison to OSBA
- Student Achievement
- TCTC School Board

9. Communications to the Niles City Board of Education

- a. Written Communications
- b. Public Comments

According to the Niles City School District Board Policy (0169.1), the Niles City Board of Education recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

The presiding officer shall be guided by the following rules:

- a. Public participation shall be permitted as indicated on the order of business, before the Board takes official action on any issue of substance, and/or at the discretion of the presiding officer.
- b. Anyone having a legitimate interest in the actions of the Board may participate during the public portion of a meeting.
- c. Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
- d. Participants must be recognized by the presiding officer and will be requested to preface their comments

- by an announcement of their name, address, and group affiliation, if and when appropriate.
- e. Each statement made by a participant shall be limited to three (3) minutes duration, unless extended by the presiding officer. Public participation shall be limited to fifteen (15) minutes total per board meeting.
- f. No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.
- g. All statements shall be directed to the presiding officer; no person may address or question Board members individually.

Please note that Public Comments is not a time for dialogue with the Board of Education. It is an opportunity to share a comment with the Board of Education. In addition, by law, administrators and Board of Education members are not permitted to publicly discuss personnel matters, student discipline, or other issues requiring confidentiality. While we may not respond to comments, all input shared with the Board of Education is taken very seriously, and will inform future deliberations and work by the Board of Education and its committees.

10. Board Recommendations

- a. Approve the Resolution in Response to the Niles Education Association's Notice of Intent to Strike, Authorization for Superintendent to Implement Action Plan, as included in the Board agenda, Item 10.a:

RESOLUTION IN RESPONSE TO THE NILES EDUCATION ASSOCIATION'S NOTICE OF INTENT TO STRIKE AUTHORIZATION FOR SUPERINTENDENT TO IMPLEMENT ACTION PLAN

WHEREAS, the Niles Education Association (the "Association") has given notice of its intent to strike commencing at 12:01 a.m. on September 1, 2022.

NOW, THEREFORE, BE IT RESOLVED that in the event of a work stoppage by members of the Association, the Board of Education authorizes the Superintendent to implement the following actions:

1. Immediately upon ascertaining that a strike situation exists, the Superintendent shall notify the members of the Board of Education.
2. Any or all school buildings and/or educational programming in the District may be declared by the Superintendent in her discretion to be open during the period of the Association's strike.
3. Throughout the pendency of the strike, all District property and buildings shall be closed to the general public and District personnel not specifically authorized by the Superintendent or her designee to be present on District property or in District buildings. The Superintendent may authorize the reopening of District property and buildings at her discretion.
4. The Superintendent is authorized to hire substitute employees for the duration of the strike at the rate now in effect for substitute employees and/or such rate as agreed upon by the substitute employee and the Superintendent on behalf of the Board of Education and/or such rate as agreed upon with a third-party contractor to hire substitute employees. The Superintendent is also authorized to determine the method of instruction such as virtual, hybrid and/or in person, or instruction at a physical location away from the District, or any combination thereof.
5. Parents shall be apprised of the situation and advised of the appropriate steps they should take. Updates will be provided regularly through all-calls and/or written communications and/or as otherwise determined by the Superintendent.
6. No employee shall remove or allow the removal of or prevent access to any Board owned technology, lesson plans, materials, supplies, equipment, vehicles and/or other Board property in connection with a work stoppage

or strike. To remove and/or make unavailable Board owned technology, materials, lesson plans, supplies, equipment, vehicles and/or other Board property is grounds for dismissal. All lesson plans and classroom materials created during employment with the Board are considered Board property.

7. Unauthorized Leave:

- A. Unauthorized leave is defined as non-performance of the employee's duties and responsibilities. Such unauthorized leave may include, but is not limited to, individual and/or collective refusals to provide service, unauthorized use of sick and/or personal leave, unauthorized use of leave benefits and/or non-attendance at required meetings.
 - B. Unauthorized leave may result in the initiation of dismissal procedures, loss of salary and fringe benefits or such disciplinary action as may be deemed appropriate.
 - C. For the duration of the strike by the Association, the Superintendent or her designee is authorized and directed to determine, on a case-by-case basis, whether any employee's absence constitutes an authorized or unauthorized leave and to take, in the event of an unauthorized leave, appropriate disciplinary action.
8. Leasing of Equipment and Procurement of Personnel Services: Because of the emergency nature of the situation created by the Association's threatened strike, the Superintendent is authorized to purchase, obtain, lease or otherwise utilize and pay for such personnel and security services and any equipment that she deems necessary without utilizing bidding procedures. Such equipment may include, but is not limited to, motor vehicles, communication devices and other items.
9. Closing of School Facilities: The Superintendent or her designee shall be the only District employee authorized to reopen any school facility.
10. The Superintendent or her designee is hereby authorized to take any and all actions to maintain the school program and to ensure the safety and well-being of students, staff, visitors and property of the Niles City School District during the strike by the Association, including the provision of security personnel.
11. The Board President, Treasurer, and/or Superintendent are hereby authorized and directed to execute all contracts, agreements and other documents necessary and appropriate to effectuate and implement the terms of this resolution. The Board further retroactively approves any such decisions made by the Board President, Treasurer, and/or Superintendent prior to the date of this Board action in support of their authority in this area.

BE IT FURTHER RESOLVED, that nothing shall be construed to limit, impair or affect the right of any employee to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions of employment or compensation or their betterment, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment or is not otherwise in violation of Board policies, federal or state laws, or the applicable collective bargaining agreements.

BE IT FURTHER RESOLVED, that this Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with the law

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

- b. Approve the Resolution in Response to the Niles Education Association's Notice of Intent to Strike, Authorization for Superintendent to Take Actions Necessary to Prepare for, Operate Schools and Maintain an Educational Program During Any Strike by the Niles Education Association, as included in the Board agenda, Item 10.b:

RESOLUTION IN RESPONSE TO THE NILES EDUCATION ASSOCIATION'S NOTICE OF INTENT TO STRIKE
AUTHORIZATION FOR SUPERINTENDENT TO TAKE ACTIONS NECESSARY TO PREPARE FOR, OPERATE
SCHOOLS AND MAINTAIN AN EDUCATIONAL PROGRAM DURING ANY STRIKE BY THE NILES
EDUCATION ASSOCIATION

WHEREAS, the Niles Education Association (the "Association") has notified the Board of Education of the Niles City School District and the State Employment Relations Board that it intends to strike commencing at 12:01 a.m. on September 1, 2022; and

WHEREAS, it is the Board of Education's legal and moral obligation to provide the students and community with a safe learning environment for its more than 2,000 students; and

WHEREAS, Revised Code Section 3313.48(A) provides: "Each school . . . shall be open for instruction with pupils in attendance, including scheduled classes, supervised activities, and approved education options but excluding lunch and breakfast periods and extracurricular activities, for not less than four hundred fifty-five hours in the case of pupils in kindergarten unless such pupils are provided all-day kindergarten, as defined in section 3321.05 of the Revised Code, in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through six; and one thousand one hours in the case of pupils in grades seven through twelve in each school year . . ."; and

WHEREAS, the school calendar for the 2022-2023 school year provides that the District's schools are to be open for instruction with pupils in attendance in excess of the minimum instructional school year established in Revised Code Section 3313.48(A); and

WHEREAS, the Superintendent has advised the Board of Education that the school calendar provides that the schools are calendared to be open for hours in excess of the minimum instructional school year established in Revised Code Section 3313.48(A); and

WHEREAS, the Board of Education recognizes that it may reduce the calendar to the extent it does exceed statutory minimum hours; and

WHEREAS, Ohio Revised Code Section 3313.48(C) provides: "No school operated by a city . . . school district shall reduce the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction during the previous school year unless the reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable number of hours required under division (A) of this section."

NOW, THEREFORE, BE IT RESOLVED that the Superintendent is authorized and directed to recommend to the Board of Education whether the Board of Education should consider modifying the school calendar to eliminate any instructional day from the school calendar corresponding to a day of the Association's strike up to the overage of instructional hours in the Board's approved calendar. The Superintendent is authorized and directed to take any and all appropriate steps to determine whether or not to open or to keep open all or part of the District's schools and/or programming (whether in-person or virtual, or at a physical location away from the District, or a combination thereof) for student instruction during any strike. If the Superintendent determines all or some of the schools and/or programming should remain open for student instruction, the Superintendent is authorized and directed to determine whether to open schools and/or programming on a limited basis to provide educational opportunities as she determines appropriate and necessary. The Superintendent is authorized and directed to take all appropriate steps to ensure that all teaching and nonteaching services be provided to those schools and/or programming, including the employment of substitute personnel. The Board further retroactively approves any such decisions made by the Superintendent prior to the date of this Board action in support of her authority in these areas.

BE IT FURTHER RESOLVED that the Superintendent is further authorized and directed to take any and all appropriate steps to ensure the health and safety of students and other employees and to ensure the protection of the schools and other

facilities and property controlled by the Board of Education. The Board further retroactively approves any such decisions made by the Superintendent prior to the date of this Board action in support of her authority in this area.

BE IT FURTHER RESOLVED that the Superintendent is hereby authorized and directed to use all appropriate means, to obtain the names of additional substitute personnel and add such names to the District's approved substitute lists if she determines schools and/or programming are to be open. The Board further retroactively approves any such decisions made by the Superintendent prior to the date of this Board action in support of her authority in this area.

BE IT FURTHER RESOLVED that the Superintendent is authorized and directed to prepare contingency plans and procedures for school personnel in the event of a work stoppage of the Association. The Board further retroactively approves any such decisions made by the Superintendent prior to the date of this Board action in support of her authority in this area.

BE IT FURTHER RESOLVED that this Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

- c. Approve the Resolution in Response to the Niles Education Association's Notice of Intent to Strike, Resolution Cancelling Salaries and Insurance Benefits of Striking Employees, as included in the Board agenda, Item 10.c:

RESOLUTION IN RESPONSE TO THE NILES EDUCATION ASSOCIATION'S NOTICE OF INTENT TO STRIKE

RESOLUTION CANCELLING SALARIES AND INSURANCE BENEFITS OF STRIKING EMPLOYEES

WHEREAS, the Niles Education Association (the "Association") has notified the Board of Education of the Niles City School District and the State Employment Relations Board that it intends to strike commencing at 12:01 a.m. on September 1, 2022; and

WHEREAS, Section 4117.15(C) of the Ohio Revised Code provides: "No public employee is entitled to pay or compensation from the public employer for the period engaged in any strike"; and

NOW, THEREFORE, BE IT RESOLVED that effective 12:01 a.m. September 1, 2022, any employee who participates in the work stoppage or who otherwise fails or refuses to perform regular assigned duties during the Association's strike shall, consistent with state and federal law, be discontinued from participation in the Board's comprehensive hospitalization, physician benefits, major medical, dental, vision, prescription coverage and life and disability insurance plans. Such employees shall have their salary or wages discontinued as of the date of their work stoppage, September 1, 2022.

BE IT FURTHER RESOLVED that consistent with state and federal law, the Treasurer, Superintendent, and/or designee is hereby directed to notify such employees, in writing, that he or she may make arrangements for the continuation of health insurance benefits by paying the premiums in accordance with COBRA regulations and/or conversion rights for such benefits.

BE IT FURTHER RESOLVED that the Treasurer, Superintendent and other members of the administration be and are hereby authorized and directed to take all actions and steps necessary to effectuate the intention of this Resolution.

BE IT FURTHER RESOLVED, that this Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

- d. Approve the Resolution in Response to the Niles Education Association’s Notice of Intent to Strike, Resolution Authorizing the Superintendent to Contract with Huffmaster Crisis Response, Inc., as included in the Board agenda, Item 10.d:

RESOLUTION IN RESPONSE TO THE NILES EDUCATION ASSOCIATION’S NOTICE OF INTENT TO STRIKE

RESOLUTION AUTHORIZING THE SUPERINTENDENT TO
CONTRACT WITH HUFFMASTER CRISIS RESPONSE, INC.

WHEREAS, the Niles Education Association (the “Association”) has notified the Board of Education of the Niles City School District and the State Employment Relations Board that it intends to strike commencing at 12:01 a.m. September 1, 2022; and

WHEREAS, the Board deems it may be necessary and appropriate to supplement its safety and security forces by retaining a firm to supplement its existing safety and security personnel with the services of a firm experienced in providing security to school personnel and property during school employee work stoppages; and

WHEREAS, the Board deems it may be necessary and appropriate to retain substitute teaching/certified staff in order to support the District’s mission during a work stoppage.

NOW, THEREFORE, BE IT RESOLVED that that the Superintendent be and is hereby authorized to contract with Huffmaster Crisis Response, Inc. (“Huffmaster”) as an Outsourcing Substitute Company, to provide such security services and personnel services as the Superintendent deems necessary and appropriate. Such services will be provided by Huffmaster to the Board in anticipation of the announced intention of the Association to commence a strike against the Board of Education on September 1, 2022, and shall continue for the duration of any such work stoppage, with the level of such services to be provided by Huffmaster to be established at the discretion of the Superintendent.

BE IT FURTHER RESOLVED that the Board President, Superintendent and Treasurer are hereby authorized and directed to execute all contracts and other documents necessary to effectuate the intent of this Resolution and that execution of said contracts and other documents prior to this Resolution is hereby retroactively approved and authorized.

BE IT FURTHER RESOLVED that this Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

11. Treasurer’s Business Recommendations

- a. Approve the Financial Reports for July 2022, as previously distributed:

- Bank Reconciliation
- Budget vs Actual by Fund-Object
- Cash Position
- Check Register
- Encumbrance Status
- Payroll by Employee
- SM2
- Vendor Payment History

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

b. Approve the following donations:

- From the Ries family to the Athletic Department, \$1,125.00
- From Our Lady of Mt. Carmel Church to the Key Club, \$1,000.00

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

12. **Superintendent's Personnel Recommendations**

A. Resignations, Retirements, Non-Renewals

Classified

1. Approve Charles Woloschak's resignation as a school Bus Driver, effective August 22, 2022.

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

B. Leaves of Absence

Certified

1. Approve Tracey Mientkiewicz's request form FMLA from her position as a Science Teacher at Niles Middle School, effective August 26, 2022.

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

C. Employment of Personnel/Salary Adjustments

Classified

1. Approve the appointment of Substitute Bus Drivers, Substitute Cafeteria Workers, Substitute Custodial Helpers, Substitute Educational Assistants, and Substitute Secretaries on an "as needed" basis for the 2022-2023 school year.

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

2. Approve the following transfers:

- Kim Werden from Administrative Assistant II, Special Education Department to Administrative Assistant II, Receptionist, effective July 1, 2022
- Bonito Klingman from Assistant Custodian to Head Custodian at Niles McKinley High School, step 4, effective August 16, 2022

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

3. Employ the following individual(s) as indicated:

- Tammy Wilson, School Bus Driver
Step 10, effective August 16, 2022
Pending successful drug screen

_____ Barrell _____ Chieffo _____ Lamb _____ McMahon _____ Perrone

4. Approve the employment of two (2) permanent Substitute Bus Drivers, on an “as needed” basis, for the 2022-2023 school year, at a rate of \$16.85 per day, effective August 16, 2022.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

Certified

5. Approve the use of the TCESC Substitute Teacher Lists for the 2022-2023 school year.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

6. Approve the appointment of Substitute School Nurses, and Home Instructors, on an "as needed" basis for the 2022-2023 school year.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

7. Approve the employment of four (4) permanent Substitute Teachers (one per building), on an “as needed” basis, for the 2022-2023 school year, at a rate of \$120.00 per day, effective August 26, 2022.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

**RESOLUTION TO EMPLOY A NON-LICENSED INDIVIDUAL
FOR COACHING OR DIRECTING PUPIL-ACTIVITY PROGRAM**

WHEREAS, the Niles City Board of Education has posted supplemental positions as being available to employees of the district who hold educator licenses, and no such employee meeting all of the Board’s qualifications has applied for, been offered, and accepted such positions, and

WHEREAS, the Niles City Board of Education then advertised these positions as being available to licensed individuals not employed by this District, and no such person meeting all of the Board’s qualifications has applied for, been offered, and accepted such positions,

THEREFORE BE IT RESOLVED, that the following non-licensed individual(s) be employed as indicated:

Supplemental

8. Approve the appointment of the following individuals in their respective activity and/or athletic supplemental positions, for the 2022-2023 school year, and grant each a One-Year Personal Service Contract, as per the NEA Master Contract:

| <u>Athletic Positions</u> | <u>Name</u> | <u>% of the base salary</u> |
|--|---------------|-----------------------------|
| Football—8 th Grade | Steve Hrosar | 10 |
| Volleyball—7 th Grade Girls | Leigh Arvin | 6 |
| Girls Soccer Volunteer | Emily Petillo | 0 |

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

13. Superintendent's Business Recommendations

- a. Approve the School Resource Officer Agreement between the Niles City School District and the City of Niles, as previously distributed.

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

- b. Set the location of the Regular Board of Education meeting for September as follows:

Time: 6:00 PM
Date: September 19, 2022
Place: _____

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

- 14. Adjourn at: _____ PM**

_____ *Barrell* _____ *Chieffo* _____ *Lamb* _____ *McMahon* _____ *Perrone*

| |
|------------------------------------|
| IMPORTANT DATES TO REMEMBER |
|------------------------------------|

| | |
|-------------------|---|
| August 26, 2022 | Staff In-Service Day—First Day for Teachers |
| August 29, 2022 | First Day of Classes for Students |
| September 5, 2022 | Closed—Labor Day |

Please visit www.nilescityschools.org for additional school related events.