

RESOLUTION

The Board of Education of the Celina City School District, Celina, Ohio, met in regular session on the 18th day of June, 2018 at the Educational Complex with the following members present:

The Treasurer advised the Board that the notice requirements of O.R.C. §121.22 and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.

_____ moved the adoption of the following resolution:

WHEREAS, the Board employed Gregg Fledderjohann as a teacher under a continuing contract; and

WHEREAS, on September 12, 2017, the Board adopted a resolution declaring its intention to consider the termination of Mr. Fledderjohann’s employment contract pursuant to O.R.C. §3319.16 on the statutory grounds of good and just cause. The specifications for the grounds of termination were set forth in the September 12, 2017 resolution, a copy of which is attached hereto as “Exhibit A,” and incorporated herein by reference; and

WHEREAS, the Board provided Mr. Fledderjohann with written notice of its intention to consider the termination of his employment contract, and Mr. Fledderjohann requested a hearing before a Referee as provided by O.R.C. §3319.16; and

WHEREAS, Drew A. Hanna, Esq. was selected as Referee, and a hearing was conducted before him on November 29-30, December 5-6, and December 20, 2017; and

WHEREAS, on May 8, 2018, Referee Hanna issued his Report and Recommendation, finding, in part, as follows:

- A. “Mr. Fledderjohann has been a teacher for the Board circa 22 years. (Tr. p. 42) During those 22 years there have been various Disciplinary Actions against Mr. Fledderjohann”;

- B. “From November 14-17, 2016, the District’s third grade teachers administered the American Institutes for Research (AIR) English Language Arts assessment. (Ex. B-11)”;
- C. “All the Third Grade teachers, including Mr. Fledderjohann, completed the ‘Annual Notice Regarding Security Provisions for Statewide Assessments and Standards for the Ethical Use of Tests’. (Tr. p. 381-382, Exs. B-8 and B-9). The Third Grade teachers indicated if they had reason to believe a staff member had committed a violation, they understood they must **immediately** contact the designated school official. (Exs. B-8 and B-9). The Third Grade teachers further indicated they understood they may be subjected to the loss of their licensure, or the dismissal of their employment if they violated any of the assessment security provisions. (Exs. B-8 and B-9)”;
- D. “The Third Grade teachers indicated they had read and understood the Administrative Guidelines stating:
- If an examiner, adult monitor or other professional staff member has reason to believe that there has been an assessment security violation or any alleged unethical testing practice committed by a student or other person, **she/he shall contact the Building Test Coordinator (BTC) District Test Coordinator (DTC) and/or building principal immediately and provide the names of the alleged violators and the nature of the alleged violation(s)**. The principal shall promptly investigate the alleged violation(s) to verify whether or not they occurred and recommend action(s) to be taken for any confirmed violation(s)”;
- E. “During the November 2016 AIR assessment, Principal Ahrens and Renee Simcoe (Ms. Simcoe) were the BTC. (Tr. p. 381) Mr. Luebke was the DTC. (Tr. pg. 283) No staff members, including Mr. Fledderjohann, reported any alleged test violations to Mr. Luebke, Principal Ahrens, or Ms. Simcoe during or after the November 2016 AIR assessment”;
- F. “On December 22, 2016, **over a month after the AIR assessment**, Mr. Fledderjohann sent an email to Jennifer Vaughn, an employee at the Ohio Department of Education with an attachment containing the following allegations regarding the Assessment. (Ex. B-1) Mr. Fledderjohann alleges he was aware of ‘administration signing students back in after students have logged out, and are done with the AIR test, to have them ‘retake’ or ‘recheck’ answers. (Ex. B-1, p.2) Mr. Fledderjohann further alleges he was aware of teachers stating, ‘It’s ok to look over a students test, and if they forgot to do part ‘B’, or they left a blank, to tell students to go back and complete and recheck answers...as long as the teacher does not push the buttons.’ (Ex. B-1, p. 2) Last, Mr. Fledderjohann alleges teachers left instructional information displayed. (Ex. B-1, p.2)”;

- G. “After receiving assurances he would remain anonymous, and there would be consequences for the individuals he identified, Mr. Fledderjohann sent an email to Ms. Vaughn on December 28, 2016 reporting Ms. Hodge, Principal Ahrens, and Mr. Luebke had violated Test Security Protocols”;
- H. “The three staff members who Mr. Fledderjohann reported to Ms. Vaughn had been involved in past disciplinary proceedings against Mr. Fledderjohann”;
- I. “On or about February 27, 2017, Dr. Schmiesing submits a report to Ohio Department of Education (ODE) including copies of witness statements. (Ex. B-32, p. 26-55) **The Report determines no test violations had occurred.** (Ex. B-32, p. 15-19) **The Report further notes there were reasons for the Board to question Mr. Fledderjohann’s credibility**”;
- J. “On March 15, 2017, ODE sends Dr. Schmiesing a letter notifying him it ‘takes very seriously its obligation to investigate thoroughly all allegations of statewide test security violations and/or testing irregularities.’ (Ex. B-33) ODE determines the Board ‘has completed a thorough investigation and determined a course of action.’ (Ex B-33) As such, the ODE **concurs** with the District’s investigation and conclusion **there was no testing violations.** The ODE goes on to state it is closing its inquiry into the matter. (Ex B-33) I also concur with the ODE, and I also find and believe there were no testing violations, as claimed by Mr. Fledderjohann”;
- K. “I find the Board has proven, by a preponderance of the evidence, each of the specifications set forth in the Board’s September 18, 2017 Resolution of Intention to Consider the Termination of a Teaching Contract O.R.C. 3319.16, as set forth in Paragraph 1 through 8 of Section 1 of said Resolution”;
- L. “I find from the evidence Mr. Fledderjohann submitted a report to ODE regarding Principal Ahrens, Mr. Luebke, and Ms. Hodge containing allegations he knew were false and/or contained intentional misrepresentations of events”;
- M. “I find a preponderance of the Evidence supports a determination the Board has good and just cause to terminate Mr. Fledderjohann’s employment contracts”;
- N. “Commonsense tells me reporting a teacher to the Ohio Department of Education alleging Testing Violations by a Teacher is a ‘serious matter’. This is confirmed by Jennifer Vaughn from the Ohio Department of Education, who deals with test security violations”;
- O. “I also agree with the testimony of Dr. Schmiesing: ‘The implications of the report (by Mr. Fledderjohann) could have... ended the careers of a teacher and two of our administrators”;

- P. “In Ex. B-8, which is attached and incorporated, Mr. Fledderjohann acknowledges a teacher is subject to a loss of certification/licensure and/or dismissal from the District, if it is verified a teacher has violated any of the test assessment security provisions”;
- Q. “In his defense, Mr. Fledderjohann alleges he acted in ‘good faith’; I disagree. I find Mr. Fledderjohann did not act in ‘good faith’ for the following reasons:
1. If Mr. Fledderjohann believed in good faith the alleged testing violations had occurred; I believe he would have at once reported the violation. This is a commonsense conclusion on my part, but it is also what was required of Mr. Fledderjohann to do, pursuant to the training provided to him prior to the administration of the test. Exs. B-8 and B-9
 2. In accusing Principal Ahrens, Mr. Luebke, and Ms. Hodge of testing violations, I find he did not do so in ‘good faith’, but rather out of retaliation and retribution against them for their involvement in prior disciplinary matters relating to Mr. Fledderjohann”;
- R. “I find Mr. Fledderjohann made false and intentional misrepresentations to the Ohio Department of Education accusing Mr. Luebke, Ms. Hodge, and Principal Ahrens of Testing Violations”;
- S. “I find this conduct by Mr. Fledderjohann to be a ‘serious matter’”;
- T. In doing so, I find Mr. Fledderjohann did **not** act in ‘good faith’”;
- U. “I find the Board’s policy of requiring a teacher to refrain from knowingly or willfully making false statements about a colleague...to be reasonable and appropriate. I find Mr. Fledderjohann has violated this policy, and I find this violation by Mr. Fledderjohann to be a ‘serious matter’ disruptive to the mission of the Celina City Schools, and these accusations by Mr. Fledderjohann create a detrimental effect on the District, because it prevents staff members from working together, because of distrust and suspicion, thus creating a hostile work environment”;
- V. “I find there is ‘good and just cause’ for the Board’s Request for Termination of Mr. Fledderjohann’s Teaching Contract, and as Referee, I approve this Request of the Board”; and

WHEREAS, the Board has reviewed and considered the transcript of proceedings and has reviewed and considered Referee Hanna’s Report and Recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Celina City School District, Celina, Ohio that:

Section 1. The Board finds that the record contains evidence that proves the following specifications by a preponderance of the evidence:

1. On or about December 28, 2016, Mr. Fledderjohann submitted a report to the Ohio Department of Education (“ODE”) that contained allegations regarding staff members that he knew were false and/or were intentional misrepresentations of events when he stated that, during the American Institutes of Research (“AIR”) assessment, Jason Luebke (“Mr. Luebke”) was fully aware of and present during, alleged misconduct by Jenna Hodge (“Ms. Hodge”) and Principal Cory Ahrens (“Principal Ahrens”).
2. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations that he knew were false and/or were intentional misrepresentations of events, when he stated that during the AIR assessment, Principal Ahrens “logged students back in after they were done with the test and told them to go over and reread the script and answers so the students could revise their answers” if needed.
3. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations he knew were false and/or were intentional misrepresentations of events, when he stated that during the AIR assessment, Ms. Hodge left writing prompts posted in her classroom during the test and told other teachers to leave posters and prompts up during the test.
4. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations he knew were false and/or were intentional misrepresentations of events, when he stated that while in the teachers’ lounge after the AIR assessment, he and other teachers heard Ms. Hodge state, “It’s ok to tell and have students go back and change answers, make sure you do ‘B’ in question so and so as long as ‘I’ don’t push the buttons. I checked all my student’s [sic] tests when I found out some skipped ‘B.’”
5. On or about January 19, 2017, Mr. Fledderjohann knowingly or willfully made a false statement during an investigation by stating that, without a request by Mr. Fledderjohann for assistance, Principal Ahrens entered his classroom during the administration of the AIR assessment to require a female student who Principal Ahrens believed had completed the test early to retake the test.
6. On or about January 19, 2017, Mr. Fledderjohann knowingly or willfully made a false statement during an investigation by stating that, after the AIR assessment was administered, he was in the teachers’ lounge when Ms. Hodge was talking to other staff members regarding a question about Belgium, and that Ms. Hodge made a statement to the effect, “As soon as my first students were done with Part

B and I found out there was a Part B, I had all my students go back and do Part B,” and that Ms. Hodge further stated, “It’s okay to tell your students what buttons to push as long as you don’t push the buttons or touch the keyboard.”

7. Mr. Fledderjohann failed to report his allegations of test security violations to a District Test Coordinator, a Building Test Coordinator, or the building principal.

Section 2. The Board hereby accepts Referee Hanna’s Report and Recommendation, and hereby orders the termination of Mr. Fledderjohann’s contract of employment on the grounds of good and just cause, for the reason set forth in the Report and Recommendation, a copy of which is attached hereto as “Exhibit B,” and incorporated herein by reference.

Section 3. The Treasurer is directed to provide Mr. Fledderjohann with this order of termination and written notice of this action on behalf of the Board.

Section 4. It is 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, in compliance with all legal requirements, including O.R.C. §121.22

_____ seconded the Motion, and upon roll call, the vote resulted as follows:

Ayes: _____

Nays: _____

Resolution passed and adopted this 18th day of June, 2018.

President

ATTEST:

Treasurer

IN THE TERMINATION PROCEEDINGS OF GREGG FLEDDERJOHANN

In The Matter of:

GREGG FLEDDERJOHANN

and

CELINA CITY SCHOOL
DISTRICT BOARD OF
EDUCATION

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Referee: Drew A. Hanna

REPORT OF REFEREE
(O.R.C. 3319.16)

The Celina City School District Board of Education (Board) seeks to terminate the Teacher Contract of Gregg Fledderjohann.

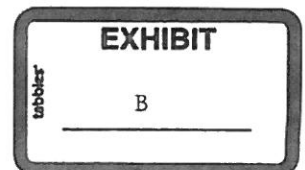
This is a Statutory Proceeding pursuant to O.R.C. 3319.16.

Pursuant to that Statute, I have been appointed as the Referee to hear the Evidence.

My appointment as Referee is by Mutual Consent of both parties.

A five day Hearing was conducted at the Board's offices in Celina, Ohio, on November 29-30, December 5-6, and December 20, 2017.

The following is my Statutory Report.



First, I am impressed by the quality of representation of both sides, and Mr. Locke and Ms. Brickman, and Mr. Mezibov are to be commended for their excellent representation and advocacy of behalf of their clients.

Mr. Fledderjohann has been a teacher for the Board circa 22 years. (Tr. p. 42)

During those 22 years there have been various Disciplinary Actions against Mr. Fledderjohann.

From November 14-17, 2016, the District's third grade teachers administered the American Institutes for Research (AIR) English Language Arts assessment. (Ex. B-11)

It is my understanding this Test is mandated by the State of Ohio.

The Third Grade Reading Guarantee requires the District to take specific actions if a student does not obtain the required score on the AIR assessment, including potentially retaining the student in Third Grade. O.R..C. 3313.608(A)(1).

All the Third Grade teachers, including Mr. Fledderjohann, completed the "Annual Notice Regarding Security Provisions for Statewide Assessments and Standards for the Ethical Use of Tests". (Tr. p. 381-382, Exs. B-8 and B-9). The Third Grade teachers indicated if they had reason to believe a staff member had committed a violation, they understood they must **immediately** contact the designated school official. (Exs. B-8 and B-9). The Third Grade teachers further indicated they understood they may be subjected to the loss of their licensure, or the dismissal of their employment if they violated any of the assessment security provisions. (Exs. B-8 and B-9)

The Third Grade teachers indicated they had read and understood the Administrative Guidelines stating:

If an examiner, adult monitor or other professional staff member has reason to believe that there has been an assessment security violation or any alleged unethical testing practice committed by a student or other person, **she/he shall contact the Building Test Coordinator (BTC) District Test Coordinator (DTC) and/or building principal immediately and provide the names of the alleged violators and the nature of the alleged violation(s)**. The principal shall promptly investigate the alleged violation(s) to verify whether or not they occurred and recommend action(s) to be taken for any confirmed violation(s). (emphasis added)

During the November 2016 AIR assessment, Principal Ahrens and Renee Simcoe (Ms. Simcoe) were the BTC. (Tr. p. 381) Mr. Luebke was the DTC. (Tr. pg. 283) No staff members, including Mr. Fledderjohann, reported any alleged test violations to Mr. Luebke, Principal Ahrens, or Ms. Simcoe during or after the November 2016 AIR assessment.

On December 22, 2016, **over a month after the AIR assessment**, Mr. Fledderjohann sent an email to Jennifer Vaughn, an employee at the Ohio Department of Education with an attachment containing the following allegation regarding the Assessment. (Ex. B-1) Mr. Fledderjohann alleges he was aware of "administration signing students back in after students have logged out, and are done with the AIR test, to have them 'retake' or 'recheck' answers. (Ex. B-1, p. 2) Mr. Fledderjohann further alleges he was aware of teachers stating, "It's ok to look over a students test, and if they forgot to do part 'B', or if they left a blank, to tell students to go back and complete and recheck answers . . . as long as the teacher does not push the buttons." (Ex. B-1, p. 2) Last, Mr. Fledderjohann alleges teachers left instructional information displayed. (Ex. B-1, p. 2)

In addition to the foregoing, Mr. Fledderjohann asked Ms. Vaughn what the consequences were for breaching the test security protocols. (Ex. B-1, p. 2) Mr. Fledderjohann closed his email by stating his allegations must remain anonymous, because he knew his employment would be terminated for making the report. (Ex. B-1, p. 3)

On December 22, 2016, Ms. Vaughn responded to Mr. Fledderjohann's email, notifying him his allegations constituted violations of the Test Security Protocols. (Ex. B-25) Ms. Vaughn informed Mr. Fledderjohann if there was a Security Violation, a student's test could be invalidated, meaning their score would not count, and the Office of Professional Conduct would investigate the teachers involved. (Ex. B-2) Later that same day, Ms. Vaughn emailed Mr. Fledderjohann to ask if he was "comfortable" providing the names of the individuals involved. (Ex. B-3)

After receiving assurances he would remain anonymous, and there would be consequences for the individuals he identified, Mr. Fledderjohann sent an email to Ms. Vaughn on December 28, 2016 reporting Ms. Hodge, Principal Ahrens, and Mr. Luebke had violated Test Security Protocols. (Ex. B-4) Mr. Fledderjohann reports Ms. Hodge "intentionally" left

"writing prompts" up in full view of her students, and she told other teachers to leave posters and prompts up. (Ex. B-4) Mr. Fledderjohann further reports, while in the teachers' lounge, Ms. Hodge stated, "It's ok to tell and have students go back and change answers, make sure you do 'B' in question so and so as long as 'I' . . . don't push the buttons. I checked all my student's tests when I found out some skipped B." (Ex. B-4)

Mr. Fledderjohann also reports Principal Ahrens "logged students back in after they were done with the test and told them to go over and reread the script and answers." (Ex. B-4) Mr. Fledderjohann further reports Mr. Luebke was "fully aware and present with the above situations". (Ex. B-4)

The three staff members who Mr. Fledderjohann reported to Ms. Vaughn had been involved in past disciplinary proceedings against Mr. Fledderjohann

On December 28, 2016, Ms. Vaughn informs Dr. Schmiesing (Superintendent of the Celina Schools) of the anonymous report, and directs Dr. Schmiesing to investigate the allegations and submit a report to ODE. (Exs. B-29 and B-30)

On or about February 27, 2017, Dr. Schmiesing submits a report to Ohio Department of Education (ODE) including copies of witness statements. (Ex. B-32, p. 26-55) **The Report determines no test violations had occurred.** (Ex. B-32, p. 15-19) **The Report further notes there were reasons for the Board to question Mr. Fledderjohann's credibility.**

On March 15, 2017, ODE sends Dr. Schmiesing a letter notifying him it "takes very seriously its obligation to investigate thoroughly all allegations of statewide test security violations and/or testing irregularities." (Ex. B-33) ODE determines the Board "has completed a thorough investigation and determined a course of action." (Ex. B-33) As such, the ODE concurs with the District's investigation and conclusion **there was no testing violations.** The ODE goes on to state it is closing its inquiry into the matter. (Ex. B-33) I also concur with the ODE, and I also find and believe there were no testing violations, as claimed by Mr. Fledderjohann.

I find the Board has proven, by a preponderance of the evidence, each of the specifications set forth in the Board's September 18, 2017 Resolution of Intention to Consider the

Termination of a Teaching Contract O.R.C. 3319.16, as set forth in Paragraph 1 through 8 of Section 1 of said Resolution. (Jt. Ex. 4) This Exhibit is attached and incorporated.

I find from the evidence Mr. Fledderjohann submitted a report to ODE regarding Principal Ahrens, Mr. Luebke, and Ms. Hodge containing allegations he knew were false and/or contained intentional misrepresentations of events.

I find a preponderance of the Evidence supports a determination the Board has good and just cause to terminate Mr. Fledderjohann's employment contracts.

The Ohio Supreme Court holds termination under 3319.16, for good and just cause must be based upon "a fairly serious matter." *Hale v. Lancaster Bd. of Ed.*, 13 Ohio St. 2d 92, 99 (1968); *Oleske v. Hilliard City School Dist. Bd. of Ed.*, 146 Ohio App. 3d 57, 64 (2001). This standard for determining whether or not allegations of misconduct rise to the level of "good and just cause" under 3319.16 is reaffirmed in *Stalder v. St. Bernard-Elmwood Place City School Dist.*, 1st Dist. No. C-090632, 2010-Ohio-2363.

In *Oleske*, the Tenth District Court of Appeals affirms the Termination of a Teacher under 3319.16 for "good and just cause", based upon the teacher referring to another teacher in front of students by a derogatory name. *Oleske*, 146 Ohio App. 3d at 63-65. Finding such conduct constitutes "a fairly serious matter", the Court explains:

The Referee states teachers are role models of appropriate behavior and that members of the teaching profession know a teacher does not engage in this type of conduct. Further, the Referee concludes Appellant's actions, as a whole, violates the trust and responsibility she owes to the school, and were contrary to the District's high standards.

Id., at 65.

Commonsense tells me reporting a teacher to the Ohio Department of Education alleging Testing Violations by a Teacher is a "serious matter". This is confirmed by Jennifer Vaughn from the Ohio Department of Education, who deals with test security violations. Ms. Vaughn reports:

What are the consequences to the students? to administrators? to teachers? . . . if the above are breaches? (Referring to Mr. Fledderjohann's accusations against Ms. Hodge, Principal Ahrens, and Mr. Luebke of violating Test Security Protocols.) Consequences

vary, depending on what has happened. Not following Security Procedures can potentially result in Licenses being suspended or even revoked. . . . If the violation involved school personnel who hold Licenses, then the report goes to the Office of Professional Conduct Exs. B-2 and B-3

I also agree with the testimony of Dr. Schmiesing:

The implications of the report (by Mr. Fledderjohann) could have . . . ended the careers of a teacher and two of our administrators. (Tr, p. 851)

In Ex. B-8, which is attached and incorporated, Mr. Fledderjohann acknowledges a teacher is subject to a loss of certification/licensure and/or dismissal from the District, if it is verified a teacher has violated any of the test assessment security provisions.

In his defense, Mr. Fledderjohann alleges he acted in "good faith"; I disagree. I find Mr. Fledderjohann did not act in "good faith" for the following reasons:

1. If Mr. Fledderjohann believed in good faith the alleged testing violations had occurred; I believe he would have at once reported the violation.

This is a commonsense conclusion on my part, but it is also what was required of Mr. Fledderjohann to do, pursuant to the training provided to him prior to the administration of the test. Exs. B-8 and B-9

2. In accusing Principal Ahrens, Mr. Luebke, and Ms. Hodge of testing violations, I find he did not do so in "good faith", but rather out of retaliation and retribution against them for their involvement in prior disciplinary matters relating to Mr. Fledderjohann.

CONCLUSION

1. I find Mr. Fledderjohann made false and intentional misrepresentations to the Ohio Department of Education accusing Mr. Luebke, Ms. Hodge, and Principal Ahrens of Testing Violations.
2. I find this conduct by Mr. Fledderjohann to be a "serious matter".
3. In doing so, I find Mr. Fledderjohann did **not** act in "good faith".

4. I find the Board's policy of requiring a teacher to refrain from knowingly or willfully making false statements about a colleague . . . to be reasonable and appropriate.

I find Mr. Fledderjohann has violated this policy, and I find this violation by Mr. Fledderjohann to be a "serious matter" disruptive to the mission of the Celina City Schools, and these accusations by Mr. Fledderjohann create a detrimental effect on the District, because it prevents staff members from working together, because of distrust and suspicion, thus creating a hostile work environment.

For the reasons set forth in this Report, I find there is "good and just cause" for the Board's Request for Termination of Mr. Fledderjohann's Teaching Contract, and as Referee, I approve this Request of the Board.

CERTIFICATE OF SERVICE

A copy of this Report was sent by email to Marc Mezibov, Attorney for Gregg Fledderjohann to mdm@mezibov.com and Kevin J. Locke, Attorney for Celina City School District to klocke@pepple-waggoner.com on this 24 day of May, 2018.



Drew A. Hanna
Referee
Appointed pursuant to O.R.C. 3319.16

ANNUAL NOTICE REGARDING SECURITY PROVISIONS FOR STATEWIDE ASSESSMENTS AND STANDARDS FOR THE ETHICAL USE OF TESTS

NAME OF STAFF MEMBER: Gregg Hedderjohann
AREA/GRADE OF STUDENT ASSESSMENT: 3rd
BUILDING ASSIGNMENT: Celina Elementary

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I affirm and certify the following:

I received a copy of AG 2623B, entitled Security Provisions for Statewide Assessment Tests.

I read AG 2623B and understand that:

- I am not permitted to release, cause to be released, reproduce or cause to be reproduced any secure assessment materials through any means or medium.
- Unauthorized persons shall not be permitted in a testing room during any assessment session.
- Unauthorized persons shall not be permitted access to any secure assessment materials at any time the materials are in the District or school building.

I received a copy of AG 2623D, entitled Standards Relative to the Ethical Use of Assessments by Staff.

I read AG 2623D and understand that in using Statewide assessments and other assessments administered to students on an annual basis:

- I am responsible for performing my responsibilities with honesty, integrity, due care, and fairness to all students.
- I will not engage in any unethical or inappropriate practices in:
 - Preparing students for tests/assessments.
 - Administering and scoring test/assessments.
 - Interpreting and/or using results from tests/assessments.

If I have reason to believe that there has been an assessment security violation committed by a student or staff member, or a violation of the ethical use of assessments by a staff member, I must immediately contact the designated school official and provide him/her with the name(s) of the violator(s) and nature of the alleged violation(s).

I understand that I may be subject to a loss of certification/licensure and/or dismissal from the District, if it is verified that I have violated any of the assessment security provisions or standards relative to the ethical use of assessments.

Gregg Hedderjohann
Signature of Staff Member

8-26-16
Date



**RESOLUTION OF INTENTION TO CONSIDER THE
TERMINATION OF A TEACHING CONTRACT
(O.R.C. §3319.16)**

The Board of Education of the Celina City School District, Celina, Ohio, met in regular session on the 13th day of September, 2017, at the Celina Senior High School Lecture Hall, with the following members present:

Mr. Shullabarger,	Mr. Gall,	Mrs. Piper,
Mrs. Vorhees	Mr. Gilmore	

The Treasurer advised the Board that the notice of requirements of O.R.C. §121.22 were complied with for the meeting.

Mr. Gilmore moved the adoption of the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Celina City School District, Celina, Ohio that:

Section 1. It is the intention of the Board of Education to consider the termination of the teaching and supplemental contracts of Gregg Fledderjohann (hereinafter "Mr. Fledderjohann") on the basis of good and just cause within the meaning of O.R.C. §3319.16. The specifications of grounds for such consideration are as follows:

1. On or about December 28, 2016, Mr. Fledderjohann submitted a report to the Ohio Department of Education ("ODE") that contained allegations regarding staff members that he knew were false and/or were intentional misrepresentations of events when he stated that, during the American Institutes of Research ("AIR") assessment, Jason Luebke ("Mr. Luebke") was fully aware of and present during alleged misconduct by Jenna Hodge ("Ms. Hodge") and Principal Corey Ahrens ("Principal Ahrens").
2. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations that he knew were false and/or were intentional misrepresentations of events, when he stated that during the AIR assessment, Principal Ahrens "logged students back in after they were done with the test and told them to go over and reread the script and answers so the students could revise their answers" if needed.
3. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations he knew were false and/or were intentional misrepresentations of events, when he stated that during the AIR assessment, Ms. Hodge left writing prompts posted in her classroom during the test and told other teachers to leave posters and prompts up during the test.
4. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations he knew were false and/or were intentional misrepresentations of events, when he stated that while in the teachers' lounge after the AIR assessment, he and

other teachers heard Ms. Hodge state "It's ok to tell and have students go back and change answers, make sure you do 'B' in questions so and so as long as I don't push the buttons. I checked all my student's [sic] tests when I found out some skipped 'B'."

5. On or about January 19, 2017, Mr. Fledderjohann knowingly or willfully made a false statement during an investigation by stating that, without a request by Mr. Fledderjohann for assistance, Principal Ahrens entered his classroom during the administration of the AIR assessment to require a female student who Principal Ahrens believed had completed the test early to retake the test.
6. On or about January 19, 2017, Mr. Fledderjohann knowingly or willfully made a false statement during an investigation by stating that, after the AIR assessment was administered, he was in the teachers' lounge when Ms. Hodge was talking to other staff members regarding a question about Belgium, and that Ms. Hodge made a statement to the effect, "As soon as my first students were done with Part B and I found out there was a Part B, I had all my students go back and do Part B," and that Ms. Hodge further stated, "It's okay to tell your students what buttons to push as long as you don't push the buttons or touch the keyboard."
7. Mr. Fledderjohann failed to report his allegations of test security violations to a District Test Coordinator, a Building Test Coordinator or the building principal.
8. Mr. Fledderjohann's conduct violates:
 - a. Board Policy 8900, Anti-Fraud, which states, "[t]he Board of Education expects all its employees to be honest and ethical in their conduct and to refrain from engaging in activities which may be fraudulent, illegal, or otherwise unethical." The Policy further states that, "[f]raud and fraudulent activity are strictly prohibited."
 - b. Board Policy 3210, Staff Ethics, which requires professional staff members to "comply with written Board policies, administrative guidelines, or applicable laws and regulations" and to "refrain from knowingly or willfully making false statements about a colleague or the District."
 - c. Administrative Guideline 2623B, Security Provisions for Statewide Assessments, which states, "If any examiner, adult monitor, or other professional staff member has reason to believe that there has been an assessment security violation or any alleged unethical testing practice committed by a student or other person, s/he shall contact the BTC, DTC and/or building principal immediately and provide the names of the alleged violators and the nature of the alleged violation(s)."
 - d. Board Policy Test Security Sign-Off, which Mr. Fledderjohann signed, stating that he would comply with Administrative Guideline 2623 B and immediately report any allegations of assessment security violations or alleged unethical testing practices."

- e. Licensure Code of Professional Conduct for Ohio Educators, Section 1, Professional Behavior, which provides that conduct unbecoming includes, but is not limited to, "failing to adhere to the Licensure Code of Professional Conduct for Ohio Educators."
- f. Licensure Code of Professional Conduct for Ohio Educators, Section 1, Professional Behavior, which provides that conduct unbecoming includes, but is not limited to, "[v]iolating local, state or federal procedures related to the security of standardized tests, test supplies or resources."
- g. Licensure Code of Professional Conduct for Ohio Educators, Section 3, Accurate Reporting, which provides that conduct unbecoming includes, but is not limited to, "[f]alsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting information submitted to federal, state, and other governmental agencies."

9. Mr. Fledderjohann's disciplinary history, which includes the following:

- a. September 8, 2016 Written Reprimand and Directive – Accusing another staff member of taking classroom supplies from his classroom and conversing with the staff member in a tone she found threatening;
- b. February 9, 2016 Written Reprimand and Directive – Asking students to keep secrets from their parents, removing a student from the classroom when the student told the secret to a parent, directed not to refer to student's personally identifiable information, and directed to use educationally appropriate words when speaking to students.
- c. October 31, 2005 Written Reprimand – Taping students to chairs and putting rubber bands around a student's ankles.

Section 2. The Board reserves the right to supplement the grounds for termination should any new information concerning the grounds for termination become available.

Section 3. Mr. Fledderjohann was provided with written notice of the allegations which form the specifications for his action on August 16, 2017. On September 5, 2017, Mr. Fledderjohann was provided an informal due process hearing before the Superintendent as required by the U.S. Constitution to respond to the allegations.

Section 4. The Treasurer of the Board is hereby authorized and directed to furnish the Employee with written notice of the Board's intention to consider the termination of his teaching and supplemental contracts upon the above stated grounds and specifications.

Section 5. The nature of this matter warrants suspension of Mr. Fledderjohann from all teaching and supplemental contract duties pending final Board action upon such termination. Accordingly, Mr. Fledderjohann is hereby suspended without pay and without benefits from all duties until further notice, effective immediately. The Treasurer is directed to provide Mr. Fledderjohann with written notice of this action by regular and certified mail.

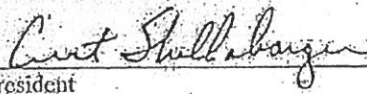
Section 6. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including O.R.C. §121.22.

Mrs. Piper seconded the Motion and upon roll call, the vote resulted as follows:

Ayes: Mr. Gilmore, Mrs. Piper, Mrs. Vorhees, Mr. Sell, Mr. Shellabarger


Nays: None

Resolution passed and adopted this 18th day of September, 2017.



President

ATTEST:



Treasurer

RESOLUTION OF INTENTION TO CONSIDER THE
TERMINATION OF A TEACHING CONTRACT
(O.R.C. §3319.16)

The Board of Education of the Celina City School District, Celina, Ohio, met in regular session on the 18th day of September, 2017, at the Celina Senior High School Lecture Hall, with the following members present:

Mr. Shellabarger,	Mr. Sell,	Mrs. Piper
Mrs. Vorhees	Mr. Gilmore	

The Treasurer advised the Board that the notice of requirements of O.R.C. §121.22 were complied with for the meeting.

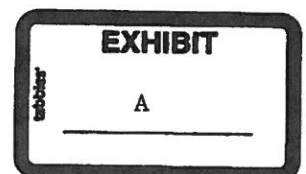
Mr. Gilmore moved the adoption of the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Celina City School District, Celina, Ohio that:

Section 1. It is the intention of the Board of Education to consider the termination of the teaching and supplemental contracts of Gregg Fledderjohann (hereinafter "Mr. Fledderjohann") on the basis of good and just cause within the meaning of O.R.C. §3319.16. The specifications of grounds for such consideration are as follows:

1. On or about December 28, 2016, Mr. Fledderjohann submitted a report to the Ohio Department of Education ("ODE") that contained allegations regarding staff members that he knew were false and/or were intentional misrepresentations of events when he stated that, during the American Institutes of Research ("AIR") assessment, Jason Luebke ("Mr. Luebke") was fully aware of and present during, alleged misconduct by Jenna Hodge ("Ms. Hodge") and Principal Corey Ahrens ("Principal Ahrens").
2. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations that he knew were false and/or were intentional misrepresentations of events, when he stated that during the AIR assessment, Principal Ahrens "logged students back in after they were done with the test and told them to go over and reread the script and answers so the students could revise their answers" if needed.
3. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations he knew were false and/or were intentional misrepresentations of events, when he stated that during the AIR assessment, Ms. Hodge left writing prompts posted in her classroom during the test and told other teachers to leave posters and prompts up during the test.
4. On or about December 28, 2016, Mr. Fledderjohann submitted a report to ODE that contained allegations he knew were false and/or were intentional misrepresentations of events, when he stated that while in the teachers' lounge after the AIR assessment, he and



other teachers heard Ms. Hodge state "It's ok to tell and have students go back and change answers, make sure you do 'B' in questions so and so as long as 'I' don't push the buttons. I checked all my student's [sic] tests when I found out some skipped 'B.'"

5. On or about January 19, 2017, Mr. Fledderjohann knowingly or willfully made a false statement during an investigation by stating that, without a request by Mr. Fledderjohann for assistance, Principal Ahrens entered his classroom during the administration of the AIR assessment to require a female student who Principal Ahrens believed had completed the test early to retake the test.
6. On or about January 19, 2017, Mr. Fledderjohann knowingly or willfully made a false statement during an investigation by stating that, after the AIR assessment was administered, he was in the teachers' lounge when Ms. Hodge was talking to other staff members regarding a question about Belgium, and that Ms. Hodge made a statement to the effect, "As soon as my first students were done with Part B and I found out there was a Part B, I had all my students go back and do Part B," and that Ms. Hodge further stated, "It's okay to tell your students what buttons to push as long as you don't push the buttons or touch the keyboard."
7. Mr. Fledderjohann failed to report his allegations of test security violations to a District Test Coordinator, a Building Test Coordinator, or the building principal.
8. Mr. Fledderjohann's conduct violates:
 - a. Board Policy 8900, Anti-Fraud, which states, "[t]he Board of Education expects all its employees to be honest and ethical in their conduct and to refrain from engaging in activities which may be fraudulent, illegal, or otherwise unethical." The Policy further states that, "[f]raud and fraudulent activity are strictly prohibited."
 - b. Board Policy 3210, Staff Ethics, which requires professional staff members to "comply with written Board policies, administrative guidelines, or applicable laws and regulations" and to "refrain from knowingly or willfully making false statements about a colleague or the District."
 - c. Administrative Guideline 2623B, Security Provisions for Statewide Assessments, which states, "[i]f any examiner, adult monitor, or other professional staff member has reason to believe that there has been an assessment security violation or any alleged unethical testing practice committed by a student or other person, s/he shall contact the BTC, DTC and/or building principal immediately and provide the names of the alleged violators and the nature of the alleged violation(s)."
 - d. Board Policy Test Security Sign-Off, which Mr. Fledderjohann signed, stating that he would comply with Administrative Guideline 2623 B and immediately report any allegations of assessment security violations or alleged unethical testing practices."

- e. Licensure Code of Professional Conduct for Ohio Educators, Section 1, Professional Behavior, which provides that conduct unbecoming includes, but is not limited to, “[f]ailing to adhere to the Licensure Code of Professional Conduct for Ohio Educators.
 - f. Licensure Code of Professional Conduct for Ohio Educators, Section 1, Professional Behavior, which provides that conduct unbecoming includes, but is not limited to, “[v]iolating local, state or federal procedures related to the security of standardized tests, test supplies or resources.”
 - g. Licensure Code of Professional Conduct for Ohio Educators, Section 3, Accurate Reporting, which provides that conduct unbecoming includes, but is not limited to, “[f]alsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting information submitted to federal, state, and other governmental agencies....”
9. Mr. Fledderjohann’s disciplinary history, which includes the following:
- a. September 8, 2016 Written Reprimand and Directive – Accusing another staff member of taking classroom supplies from his classroom and conversing with the staff member in a tone she found threatening.
 - b. February 9, 2016 Written Reprimand and Directive – Asking students to keep secrets from their parents, removing a student from the classroom when the student told the secret to a parent, directed not to refer to student’s personally identifiable information, and directed to use educationally appropriate words when speaking to students.
 - c. October 31, 2005 Written Reprimand – Taping students to chairs and putting rubber bands around a student’s ankles.

Section 2. The Board reserves the right to supplement the grounds for termination should any new information concerning the grounds for termination become available.

Section 3. Mr. Fledderjohann was provided with written notice of the allegations which form the specifications for this action on August 16, 2017. On September 5, 2017, Mr. Fledderjohann was provided an informal due process hearing before the Superintendent as required by the U.S. Constitution to respond to the allegations.

Section 4. The Treasurer of the Board is hereby authorized and directed to furnish the Employee with written notice of the Board’s intention to consider the termination of his teaching and supplemental contracts upon the above stated grounds and specifications.

Section 5. The nature of this matter warrants suspension of Mr. Fledderjohann from all teaching and supplemental contract duties pending final Board action upon such termination. Accordingly, Mr. Fledderjohann is hereby suspended without pay and without benefits from all duties until further notice, effective immediately. The Treasurer is directed to provide Mr. Fledderjohann with written notice of this action by regular and certified mail.

Section 6. It is 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, in compliance with all legal requirements including O.R.C. §121.22.

Mrs. Piper seconded the Motion and upon roll call, the vote resulted as follows:

Ayes: Mr. Gilmore, Mrs. Piper, Mrs. Vorhees, Mr. Sell, Mr. Shellabarger

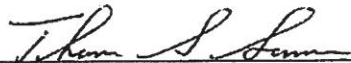
Nays: None

Resolution passed and adopted this 18th day of September, 2017.



President

ATTEST:



Treasurer