

July 10, 2012

A video taped copy of the meeting is available through the Treasurer's Office.

The Board of Education of the Kettering City School District met at 6:01 P.M. in the Recital Hall at Fairmont High School.

Miss Gilmore led the Pledge of Allegiance.

The roll was called with the following members present: Mr. Brown, Mr. Bayless, Mr. Trent, Mrs. Simms and Miss Gilmore. Also present were: Mr. Clark, Dr. Schoenlein, Mr. Lackey, Mrs. LeValley, and Mr. Justice.

Mr. Bayless moved to approve the updated agenda. Mrs. Simms seconded the motion. Mr. Bayless, yes; Mrs. Simms, yes; Mr. Trent, yes; Mr. Brown, yes; and Miss Gilmore, yes.

Mrs. Simms moved to approve the minutes of the Regular Meeting of June 12, 2012. Mr. Bayless seconded the motion. Mrs. Simms, yes; Mr. Brown, yes; Mr. Bayless, yes; Mr. Trent, yes; and Miss Gilmore, yes.

Recognition & Reports: None.

Board Committee Reports: None.

Hearing of the Public Regarding Agenda Item: None.

Decisions of the Board: None.

Mrs. Simms moved that the Board approve entering into a contract with Miller Contracting Group, Inc. for Kettering Middle School wall replacement. Mr. Bayless seconded the motion. A roll call vote was taken. Mr. Bayless, yes; Mr. Brown, yes; Mrs. Simms, yes; Mr. Trent, yes; and Miss Gilmore, yes.

The members of the Board of Education reviewed the calendar and items for upcoming meetings.

Mr. Bayless moved to approve the Human Resource Services agenda. Mrs. Simms seconded the motion. A roll call vote was taken. Mr. Bayless, yes; Mr. Brown, yes; Mrs. Simms, yes; Mr. Trent, yes; and Miss Gilmore, yes.

Mrs. Simms moved to approve the Business Services agenda. Mr. Bayless seconded the motion. A roll call vote was taken. Mrs. Simms, yes; Mr. Brown, yes; Mr. Bayless, yes; Mr. Trent, yes; and Miss Gilmore, yes.

Mr. Bayless moved to approve the Treasurer's agenda. Mrs. Simms seconded the motion. A roll call vote was taken. Mr. Bayless, yes; Mrs. Simms, yes; Mr. Brown, yes; Mr. Trent, yes; and Miss Gilmore, yes.

Hearing of the Public: None.

Mr. Bayless moved the Board adjourn to executive session for the purpose of considering the referee's report recommending the termination of Michael Togliatti's teaching contract, at 6:08 P.M. Mrs. Simms seconded the motion. A roll call vote was taken. Mr. Bayless, yes; Mrs. Simms, yes; Mr. Brown, yes; Mr. Trent, yes; and Miss Gilmore, yes.

The Board returned from executive session at 6:28 P.M.

Item X. U. Mr. Bayless moved the adoption of the following resolution:

RESOLUTION

WHEREAS, on the 2nd day of August, 2011, the Board of Education determined its intent to consider the termination of the teaching contract of Michael Togliatti; and

WHEREAS, notice of the Board's intention to consider such termination was served upon him and request for hearing before a referee made by him; and

WHEREAS, a hearing was conducted before John R. Butz on December 22 and 29, 2011 and on January 10, 13, 18, 24, April 16, 20, May 1, 8, 9, 11, and 21, 2012, at which time Michael Togliatti was present, with counsel, and a stenographic record of proceedings was made, and all other rights afforded by Section 3319.16 of the Revised Code; and

WHEREAS, on the 9th day of July, 2012, this Board of Education received the recommendation of the Referee that the continuing teaching contract of Michael Togliatti be terminated; and

WHEREAS the members of the Board of Education have reviewed the transcript of proceedings and carefully considered the Referee's decision and recommendation,

NOW, THEREFORE, BE IT RESOLVED that such recommendation be and it is hereby accepted.

BE IT FURTHER RESOLVED that the continuing teaching contract of Michael Togliatti with the Kettering City School District be hereby terminated for good and just cause effective July 10, 2012, on the following grounds:

1. In a classroom setting during the 2010-11 school year, Michael Togliatti engaged in unprofessional and disrespectful conduct toward students by making statements, sometimes in anger, that were demeaning and were often intimidating and embarrassing. This resulted in students changing schedules, some went to class dreading it, some students stopped participating, and others made the best of it. Specifically, Mr. Togliatti did the following:
 - a) Called students "idiots," "dumbasses," "stupid," "airheads," "morons," "freaking morons," "hobbits," "trolls," and "jackasses."
 - b) Told a student, "You will never have a high IQ."
 - c) Told a student, "The world would be quieter if you would shut up."
 - d) Told multiple students to "shut up."
 - e) Told a student that "Nothing smart could ever come out of your mouth."
 - f) Compared a student in class to Daisy in *The Great Gatsby* after describing Daisy in unflattering terms.
 - g) Used offensive or vulgar words such as "damn," "shit," "fuck," "jackass," and "dumbass."
 - h) Called a female student a "rude bitch."
 - i) Told a female student who left her vocabulary book at hospice where she was visiting her dying grandmother that her school work was more important than being at hospice.
 - j) Told a male student to "get his thong out of a bunch."
2. During the 2010-11 school year, Mr. Togliatti engaged in unprofessional, disrespectful and highly inappropriate conduct toward administrators and other teachers. Specifically, Mr. Togliatti did the following:
 - a) Mr. Togliatti had a picture of Dr. James Schoenlein, Superintendent, on a refrigerator in the front of his class, and periodically referred to the picture, saying uncomplimentary things about Dr. Schoenlein, either personally or professionally.

- b) On the first day of class, Mr. Togliatti's 6th period class was crowded with not enough desks. Mr. Togliatti told the class if they had a problem with the class size, they could "talk to the damn administration." He said it was not his "fucking fault your class is so big."
- c) A student took a vocabulary book home to complete an assignment, with the permission of a substitute teacher. When the student tried to turn the book in on Monday, Mr. Togliatti said, referring to the substitute teacher, "I'm gonna beat his ass."

BE IT FURTHER RESOLVED that the Treasurer of this Board of Education be directed to provide notice of this action to Michael Togliatti by certified mail, return receipt requested.

Mr. Brown seconded the motion.

Upon roll call, the vote resulted as follows:

Julie Gilmore	YES
Jim Brown	YES
Lori Simms	YES
George Bayless	YES
Jim Trent	YES

At 6:35 P.M. Mrs. Simms moved to adjourn the meeting. Mr. Brown seconded the motion. Mr. Bayless, yes; Mrs. Simms, yes; Mr. Brown, yes; Mr. Trent, yes; and Miss Gilmore, yes.

Julie Ann Gilmore, President

Steven G. Clark, Treasurer