

This document was provided to [www.accountabilityinthemedia.com](http://www.accountabilityinthemedia.com) by Pastor Don Matolyak. John Freshwater addressed the Mount Vernon Board of Education on February 8, 2010 (see video [www.youtube.com/watch?v=HreGdsz0cTg](http://www.youtube.com/watch?v=HreGdsz0cTg))—additionally, Freshwater gave board members the following written statement:

### **Introduction**

Good evening I am John Freshwater.

Currently I am and have been undergoing a hearing based upon a resolution by this board to consider the termination of my teaching contract.

### **Anonymous Communications**

I thought the healing was about to end sometime last month but the proceeding changed again because somebody sent an anonymous letter containing some photographs of items from my classroom.

Last week another anonymous delivery was made that contained approximately 300 photographs of items that were in my room. Additionally, the anonymous delivery sent a black bag that contained many of my personal items including about forty dollars. The black bag sent to me anonymously was the same bag I used in 2003 to keep all of my materials related to the curriculum proposal I had made back in 2003. I turned all of second anonymous delivery over to the police as it appears the bag and materials were taken from my classroom.

### **Former Board Member Communication**

Perhaps some of you know that one of your former colleagues has been talking to me and he even has called my house. Your former member shared many enlightening things with me and indicated the board should know certain information.

## **Subpoena**

On January 14, 2009 – 2009 - My attorney subpoenaed from the board, Mr. Short and the board's attorney all of the materials from my classroom so that my attorney could look at them and see what had been inventoried from my classroom after I was locked out from my classroom beginning June 20, 2008. The board's attorney indicated to my attorney that the board did not have anything from my classroom. Testimony by other teachers revealed the contents of my classroom had been cleaned out, boxed, and moved to an open area by the back stairs at the middle school known to teachers as the "rat hole". Teacher's testimony revealed the contents of my room stayed for some time in the "rat hole", with open access to anybody who could take things or put things into the area.

Fast forward one year later after my attorney subpoenaed the contents from my room and on January 14, 2010 – 2010 – both Mr. Short and I received anonymous letters each containing five pictures. The pictures contained images of items that exonerate some of the charges against me.

On January 15, 2010, my attorney listened to the board's attorney and learned that Mr. Short went to look at the items taken from my room to see if the items contained in the photographs from the anonymous letter were with the items kept by Mr. Short. My attorney was surprised to learn Mr. Short had kept anything from my classroom and my attorney demanded an immediate public records inspection. I went to the inspection and learned Mr. Short had actually kept enough items from my classroom the amount of which would completely fill the back of a truck.

Previously, in August 2008, after I had been suspended, Mr. Short had telephoned me to come to his office and retrieve five armfuls of items from my classroom. Mr. Short told me then that the items he was giving me was all that was left of my personal belongings from my classroom.

My attorney used four hours on January 15, 2010, to document the variety of over 1,000 items from my classroom that he had previously been told did not exist and that Mr. Short told me nothing was left from my classroom. My attorney now is waiting to get back in and review in greater detail the items taken from my classroom.

### **Exonerating Information**

It is with certainty that I say the items sent anonymously have exonerating materials.

### **Exonerating Information - April 22, 2003 Science Committee Notes and Lynda Weston**

One of the interesting items sent anonymously to me were the notes from the April 22, 2003, curriculum committee meeting provided to me by Lynda Weston. Lynda Weston has said many things about me that she herself testified she really did not have any information about. I encourage you to read the transcripts because on pages 2490-2491 Lynda Weston admits that the report done by HR On Call is “inaccurate”.

Going back to the April 22, 2003, curriculum committee notes it states very clearly four different times someone in the committee kept trying to assert my proposal was to teach intelligent design. Look at the evidence – someone, more than one

person - has a wrong impression about the proposal because the proposal did NOT purport to teach intelligent design. The proposal was to teach the then existing 10<sup>th</sup> grade standard at the 8<sup>th</sup> grade level.

But look at number 8 of the April 22, 2003, notes from the science curriculum committee. Thank goodness for the anonymous note because the committee said:

*“The board of education policy addresses controversial issues –  
Freshwater proposal is already addressed.”*

### **No Training**

I had never been trained about the board policies. I was never a member of the teachers union.

### **Contract Broken**

I learned after June 20, 2008, that my contract had been broken by the tactics used by HR on Call. I was supposed to be re-interviewed and given a chance to provide a written statement.

If this board had been given accurate facts instead of inflammatory statements we would not be in this mess. Even HR on Call's investigator admits on page 2762 that information in the investigative report was “*inflammatory to Mr. Freshwater*”.

### **Innocent of the Allegations Against Me**

I am not guilty of the allegations for the following simple truths.

**First**, - As it relates to the Tesla Coil Principal Bill White's letter dated January 22, 2008, a letter which was written with Mr. Short's review and acceptance,

adjudicated the matter. Numerous teachers have testified they each used the Tesla Coil the same way I used it on December 6, 2007. Nobody was ever hurt. If somebody had been hurt – what do you think they would have done? They would have gone to the doctor. Not even Zach Dennis went to the doctor. If somebody had been hurt Ohio Law 2151.421 requires the injury be reported. Mr. Short never reported any injury because nobody was really injured. Every teacher and four different administrators have testified if there was really an injury Mr. Short should have reported it.

**Second** – As it relates to me supposedly teaching topics I was not allowed, ask yourself this question – What were John Freshwater’s standardized testing scores? If I was confusing my students or teaching them the wrong topics there is no way during a standardized test the students would overwhelmingly get the correct answers. But my students did get the correct answers because the students were taught exactly what they were supposed to be taught. My students scored the highest scores with 89% of my students getting the correct answers to the Life Sciences Questions which deal with Evolution.

**Third** – If I am going to be accused of violating the requirements for the Fellowship of Christian Athletes the investigators should at least ask people who were actually in attendance at the meetings. I am very glad I have an attorney who actually goes out and asks people questions because HR on Call did not. Youth Pastor Steve Zirkle goes to Board Member Dr. Bennett’s church. (Look at Dr. Bennett) Dr. Bennett, ask Pastor Zirkle what happened in the meetings. Zach Dennis claims I raised my hands and tried to do an exorcism on Pastor Zirkle. Pastor Zirkle signed a sworn statement saying such never happened. Earlier I said Zach Dennis never went to the doctor after he was allegedly hurt by the Tesla Coil.

Well, I am the only one who actually went to the doctor. I went to the doctor the day before Pastor Zirkle spoke at FCA because I could not raise my arm and had started therapy for 8 weeks. I am the only one who went to doctor and have submitted proof.

**Fourth** – I was never insubordinate. There is a lot of irony involving the different dates in this matter as some things happen on annual anniversary's. On April 22, 2008, five years exactly to the date after I made the curriculum proposal on April 22, 2003, Principal Bill White met with me to go over six bullet points he had made. NOT one of Principal White's bullet points said anything about me being insubordinate OR that I had to remove my personal Bible. None of you were in the four meetings between Principal White and me on April 7, 11, 14 or 16, 2008. Principal White had a conflicting message during the meetings. Principal White clearly told me I could keep my Bible in my classroom and on my desk. On April 16, 2008, Principal White indicated to me I would need to speak with Mr. Short about my personal Bible. Interestingly, Teacher Lori Miller encountered the same confusing communications with Principal White as Principal White first told Lori Miller her Bible had to be removed and then he changed his mind on April 14, 2009, and told Lori Miller she could keep her Bible on her desk. Ironically, it was one year exactly from the time Principal White told me on April 14, 2008, that I could keep my personal Bible on my desk and in my classroom but had to remove Bibles stored in my classroom by the members of the FCA.

### **Resolution**

My attorney has indicated with the new anonymous materials being delivered there is no way to know when this case might end because he has to examine the materials and bring in more witnesses. I estimate Mr. Short has over 1,000 items

from my classroom that my attorney will review. I am willing to explore a resolution before I learn the identity of the anonymous sender if the board so chooses. You can reach me by calling my house.

I wish you well.