

New Lexington, Ohio

December 19, 2019

The New Lexington School District Board of Education met in special meeting at 4:30 p.m. in the New Lexington Middle School Media Center, 2549 Panther Dr., New Lexington, Ohio.

Members present: John McGaughey, Steve Burton, Mike Davisson, Bill Nutt, and Jason Givens.

Pursuant to Section 121.22 {F}, Revised Code, the local news media along with the members of the Board of Education were informed of the meeting.

- A. It was moved by Burton and seconded by Davisson to adjourn to Executive Session at 4:31 p.m. under the provisions of O.R.C. 121.22(G)(1) for the purpose of conducting an executive session to discuss employment and discipline of personnel and to take official public action as recommended by the Superintendent regarding the same.

**THE VOTE: Burton, yes; Davisson, yes; Nutt, yes; Givens, yes; McGaughey, yes. President McGaughey declared the motion carried.**

Board President declared the meeting in open session at 5:31 p.m.

- B. It was moved by Nutt and seconded by Davisson to approve Resolution #19-20: WHEREAS, Ohio Revised Code Section 3319.16 authorizes the board of education of a school district to initiate contract termination proceedings against any teacher employed by the school district for good and just cause; and

WHEREAS, the New Lexington School District Board of Education (“Board”) employs Dustin Addington (“Addington”) under a limited teaching contract pursuant to Ohio Revised Code Section 3319.08; and

WHEREAS, the administration of the New Lexington School District (“District”) has completed an internal investigation of reports received from law enforcement officials that Addington engaged in unprofessional conduct in the workplace and on paid contract time while Addington was employed as a teaching employee in the New Lexington School District; and

WHEREAS, as a result of said internal investigation and the findings reached through that investigation, the Superintendent has determined that good and just cause exists for the Board to terminate the teaching contract of Addington under Ohio Revised Code Section 3319.16; and

WHEREAS, on December 18, 2019, the Treasurer issued formal written notice to Addington regarding the Superintendent’s intent to recommend to the Board that the Board initiate termination proceedings and suspension without pay pending same, to Addington; and

WHEREAS, in the December 18, 2019, notice, the Treasurer also provided notice to Addington of the opportunity for Addington to have a due process hearing before both

the Superintendent and the Board, separately, on December 19, 2019, regarding the above-stated matters; and

WHEREAS; such written notice issued by the Treasurer to Addington on December 18, 2019, contained the grounds upon which the Superintendent intends to recommend that the Board initiate termination proceedings and to suspend Addington without pay pending same, to wit:

As a result of an internal investigation regarding information received by the Superintendent on December 10, 2019, and on December 16, 2019, from the Central Ohio Drug Enforcement Task Force, following search warrant executed on your property on December 10, 2019, that you have been engaged in arranging drug sales during school hours, while in class with students and carrying out these drug sales away from the school during your paid lunch break.

During your investigatory interview regarding these matters, which was conducted on December 17, 2019, you admitted to engaging in the following conduct as related to the information received from the Central Ohio Drug Enforcement Task Force, as set forth above:

- You sent and received multiple communications (approximately double digit in number), including but not limited to text messages on your personal cell phone during the paid teacher contract day (including but not limited to during paid lunch and paid planning time, as well as some during student class periods when students were taking tests) to communicate with your “supplier” to purchase drugs. These communications occurred in your classroom and also during your lunch;
- You left the New Lexington High School building during your paid lunch to meet your “supplier” at your “supplier’s” residence to purchase drugs. You used the sign-in/sign-out log at the High School when you left and re-entered the building for this purpose;
- You were seen on video surveillance of the New Lexington High School parking lot on December 3, 2019, speeding and driving erratically out of the parking lot at the time the student bell rang at the end of the school day. You did not deny this, but indicated that you were in a hurry to get to a work meeting in Logan for the outside work you do for a radio station. We have information from the Central Ohio Drug Enforcement Task Force that indicates that on this date, you left the New Lexington High School to engage in a drug transaction.

The above-stated conduct violates the following policies of the New Lexington School District Board of Education: Board Policy 3122.01, Drug-Free Workplace, Board Policy 7530.01, Staff Use of Wireless Communication Devices, and Board Policy 7540.04, Staff Technology Acceptable Use and Safety. The above-stated conduct also violates Article IX, Section H, of the negotiated Agreement between the New Lexington Federation of Teachers and the New Lexington Board of Education (2019-2021).

WHEREAS, the Superintendent has presented the Board with the evidence of the grounds for termination as set forth above and with a recommendation that the Board initiate termination of Addington's employment contract with the District and that the Board approve the recommendation of the Superintendent to suspend Addington without pay effective immediately pending termination proceedings; and

WHEREAS, the Board has considered such evidence and has determined that the evidence presented represents a serious matter that warrants the Board's consideration of the Superintendent's recommendation to terminate the employment contract of Addington with the District and to suspend Addington without pay effective immediately pending termination proceedings;

NOW, THEREFORE BE IT RESOLVED, that the New Lexington School District Board of Education hereby acts pursuant to Ohio Revised Code Section 3319.16 to initiate termination proceedings effective immediately with respect to the limited teaching contract of employee Dustin Addington for good and just cause on the grounds set forth above herein as well as in the written notice of same issued to A;

BE IT FURTHER RESOLVED that the New Lexington School District Board of Education further acts pursuant to Ohio Revised Code Section 3319.16 to suspend Addington without pay pending such termination proceedings, with such action effective immediately;

BE IT FURTHER RESOLVED that the New Lexington School District Board of Education hereby directs its Treasurer to issue written notice of same to Addington forthwith via certified mail, return receipt requested, as well as regular U.S. mail, along with a copy of said resolution, and to take any and all actions necessary and/or otherwise required under Ohio Revised Code Section 3319.16 to effectuate this action.

**THE VOTE: Nutt, yes; Davisson, yes; Givens, yes; Burton, yes; McGaughey, yes. President McGaughey declared the motion carried.**

It was moved by Burton and seconded by Nutt to adjourn the meeting.

**THE VOTE: Burton, yes; Nutt, yes; Davisson, yes; Givens, yes; McGaughey, yes. President McGaughey declared the motion carried.**

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**President**

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**Treasurer**