

New Lexington, Ohio

December 31, 2019

The New Lexington School District Board of Education met in special meeting at 3:30 p.m. in the New Lexington Middle School Media Center, 2549 Panther Dr., New Lexington, Ohio.

Members present: John McGaughey, Steve Burton, Mike Davisson, 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 Givens to adjourn to Executive Session at 3:32 p.m. under the provisions of O.R.C. 121.22(G)(1) for the purpose of conducting an executive session to discuss the employment, dismissal and discipline of personnel.

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

Board President declared the meeting in open session at 3:45 p.m.

- B. It was moved by Davisson and seconded by Givens to approve Resolution #~~19-21~~:

WHEREAS, at a special meeting of the New Lexington School District Board of Education (“Board”) held on December 19, 2019, the Board took official public action 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 (“Addington”) for good and just cause on the grounds set forth in the Board’s resolution, 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); and

WHEREAS, in the same official public action, the Board placed Addington on a suspension without pay pending such termination proceedings, with such action effective immediately; and

WHEREAS, on December 20, 2019, the Treasurer issued formal written notice of same to Addington, with copy of the Board’s resolution, via electronic mail as well as U.S. mail Express Mail pursuant to Ohio Revised Code Section 3319.16; and

WHEREAS, the electronic mail of said notice indicates a delivery date to Addington of December 20, 2019; and

WHEREAS, Ohio Revised Code Section 3319.16 provides that “[b]efore terminating any contract, the employing board shall furnish the teacher a written notice signed by its treasurer of its intention to consider the termination of the teacher's contract with full specification of the grounds for such consideration. The board shall not proceed with formal action to terminate the contract until after the tenth day after receipt of the notice by the teacher”; and

WHEREAS, the tenth day after Addington’s receipt of the notice issued by the Treasurer occurred on December 30, 2019; and

WHEREAS, Ohio Revised Code Section 3319.16 further provides that “[w]ithin ten days after receipt of the notice from the treasurer of the board, the teacher may file with the treasurer a written demand for a hearing before the board or before a referee, and the board shall set a time for the hearing”; and

WHEREAS, Addington did not file with the Treasurer a written demand for a hearing before the board or before a referee; and

WHEREAS, the Board is now authorized under the provisions of Ohio Revised Code Section 3319.16 to take official public action to terminate the limited teaching contract of employee Dustin Addington for good and just cause on the grounds as set forth above herein which the Board determined by way of official public action via resolution at its special meeting on December 19, 2019, constitute a serious matter;

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 terminate the limited teaching contract of employee Dustin Addington for good and just cause on the grounds set forth above herein with such order of termination 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 U.S. express mail, signature required, 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: Davisson, yes; Givens, yes; Burton, yes; McGaughey, yes. President McGaughey declared the motion carried.

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

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

President

Treasurer