

IN THE MATTER OF TERMINATION OF THE
EMPLOYMENT OF JOHN FRESHWATER

The Mount Vernon City School
District Board of Education,

Employer

R. Lee Shepherd, Esq.
Referee

and

John Freshwater

DECISION

Teacher

The teacher herein has moved that, hereafter, this proceeding be conducted in private. Until this time, all sessions have been conducted publicly (in accordance with a previous request of the teacher). In support of his motion, the teacher cites several concerns which would be alleviated and/or extinguished if the hearing were conducted privately. However, ORC §3319.16 (Termination of contract by board of education) makes no provision for closing a contract termination hearing (once it has been opened to the public).

ORC §3319.16 provides (in part):

"The hearing shall be private unless the teacher requests a public hearing."

Aside from the sentence quoted hereinabove, ORC §3319.16 makes no reference to the private/public aspect of the contract termination hearing process. Therefore, once the request is made for a public hearing, the statute provides no mechanism for the reversal or withdrawal of said request/decision.

In the interpretation of statutes, each statute must be interpreted as it exists. Statutes cannot be rewritten to fit the facts. Neither exception nor limitation may be created in the interpretation of a statute if not imposed within the statute by the lawmaking body. When a statute directs a thing to be done by a specified means or in a particular manner, it may not be done by other means or in a different manner.

There being no statutory rights to close (make private) a contract termination hearing once a public hearing has been requested, the teacher's motion is denied.


R. Lee Shepherd

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