



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION	)	
CERTIFICATE OF	)	OPP No. D17-21-101
	)	
LONNIE DIXON	)	FINAL ORDER
Certificate No. 266797J	)	OF SUSPENSION
_____	)	

After receiving and investigating a complaint from the Okanogan School District (“School District”) regarding the above referenced educator, and based upon the facts available as of the date of this Proposed Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that LONNIE DIXON (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-060, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 266797J for not less than THREE (3) MONTHS with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On July 1, 1985, the Educator was issued Washington Education Certificate No. 266797J. The Educator’s certificate will expire on June 30, 2022.

2. During the 2017–2018 school year, the Educator was employed by the School District at Okanogan High School as a Career and Technical Education (CTE) teacher.

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3. On December 5, 2017, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Dr. Richard Johnson, the Superintendent of the School District, alleging the Educator committed unprofessional conduct pursuant to WAC 181-87 when he accessed inappropriate pornographic materials using a School District computer assigned to him.

4. On or about September 7, 2017, the Educator turned in his computer assigned to him by the School District to the School District IT department so it could be swapped out with a new computer terminal. The Educator asked the School District IT department to retrieve documents from the previous computer and save them.

5. On September 7, 2017, while attempting to retrieve and save documents from the Educator’s assigned computer as requested by the Educator, the IT department found numerous pornographic images and search terms.

6. On September 7, 2017, the School District Superintendent contacted Clear Risk Solutions, an independent investigation firm, to investigate allegations that inappropriate pornographic images were found on the school computer assigned to the Educator.

7. On September 11, 2017, the Educator denied accessing pornography. On this same date, the School District placed the Educator on administrative leave with pay.

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8. On October 8, 2017, Clear Risk Solutions submitted the results of their investigation to the School District. Their findings include but are not limited to:

- a. Over 258,994 files were “deleted” by the user but were not completely overwritten and were recovered. Many of the files were sexually explicit and/or pornographic.
- b. 659 pornographic or sexually explicit images were carved out of the Educator’s internet search history. Specific pornographic search terms used to access the images were also recovered.
- c. The internet searches for pornographic material spanned several months, May 2017–August 2017, and included internet searches conducted on Sunday, July 30, 2017. School District video surveillance for that date show the Educator alone in the school with his vehicle in the parking lot.
- d. On Sunday, June 18, 2017, over eighty-two (82) pornographic images were accessed on the Educator’s computer. Video surveillance show the Educator’s vehicle parked outside his classroom the same time the images were accessed.
- e. The metadata associated with the files detailed the dates and times the images were created, written, and accessed.
- f. The user account used to access each pornographic image and conduct each pornographic search was “Ldixon” – the Educator’s user account “Security Identifier.” On September 11, 2017, the Educator confirmed his user name was “Ldixon” but denied “getting into inappropriate stuff.”

9. On November 20, 2017, the Educator entered into a Settlement Agreement with the School District and resigned his employment.

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## II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010; RCW 28A.410.090. Chapters 181-86 and 181-87 of the Washington Administrative Code (WAC) further implement OSPI's authority.
2. OSPI has jurisdiction over the Educator and the subject matter of this action.
3. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-060(3) when he repeatedly accessed pornographic and sexually explicit material using his School District assigned computer.
4. There is a clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.
5. Pursuant to WAC 181-86-080, eleven factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:
  - (1) The seriousness of the act(s) and the actual or potential harm to persons or property;
  - (2) The person's criminal history including the seriousness and amount of activity;
  - (3) The age and maturity level of participant(s) at the time of the activity;
  - (4) The proximity or remoteness of time in which the acts occurred;
  - (5) Any activity that demonstrates a disregard for health, safety or welfare;
  - (6) Any activity that demonstrates a behavioral problem;
  - (7) Any activity that demonstrates a lack of fitness;
  - (8) Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
  - (9) Any information submitted that demonstrates aggravating or mitigating circumstances;
  - (10) Any information submitted to support character and fitness; and
  - (11) Any other relevant information submitted.

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6. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-070 and WAC 181-87-060, the Educator's education certificate should be suspended for unprofessional conduct.

### III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 266797J of LONNIE DIXON is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least THREE (3) MONTHS from the effective date of this ORDER.

**REINSTATEMENT** of the Educator's education certificate shall require:

- (1) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (2) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (3) The Educator's fingerprint background check must return with no criminal convictions, occurring after the date of issuance of a Final Order of Suspension, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions; AND
- (4) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 9<sup>th</sup> day of January, 2020.

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

  
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Dierk Meierbachtol  
Chief Legal Officer