

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MORDIA JOHNSON, Appellant	*	CASE NO. <u>1976-10</u>
vs.	*	NON-RENEWAL OF TEACHERS
TAYLOR COUNTY BOARD OF	*	CONTRACT UNDER FAIR
EDUCATION,	*	DISMISSAL ACT
Appellee	*	

Mordia Johnson, a teacher employed by the Taylor County Board of Education, was notified by said Board prior to April 15, 1976, that the said Board had tentatively decided not to renew her contract for the 1976-1977 school year. The teacher has been employed in the system for the past three (3) years and was advised in writing of her right to a hearing. The teacher requested a hearing. The teacher was advised in writing of the time and place of the hearing. The notice stated the reasons for non-renewal of her contract as (a) improper language and (b) failure to follow Board policy.

A hearing was duly held at which both the teacher and the Board were represented by legal counsel. After the hearing of the evidence the Board ordered that the contract of the teacher not be renewed.

The teacher appealed this order to the State Board of Education, asserting three grounds of appeal. The record was filed with the State Board. Both the teacher and the local Board filed written briefs with the State Board. The matter was scheduled for a hearing by the State Board at its August, 1976, meeting of which hearing both the teacher and the local Board had notice. No personal appearance was made by the teacher or the local Board before the State Board.

The State Board considered the record and the briefs of legal counsel for the teacher and the local Board.

The State Board makes the following findings of fact:

1. The evidence was sufficient to support a finding by the local Board that the teacher used the expletive "bull shit"

to her pupils in a seventh grade class and that she stated to some pupils in the class that this was what she meant to say.

2. The evidence was sufficient to support a finding by the local Board that the teacher failed to follow Board policy in that she did place a student in a school hall without a note in violation of Section 17-A of the General Teachers Policy Manual of the Taylor County Board of Education.

3. The teacher entered into the hearing requested after notice thereof represented by legal counsel without any objections or exceptions thereto before the local Board of Education.

This is not to say, however, that the evidence would not support a contrary finding by the local Board of Education but the local Board of Education having heard the evidence, seen the witnesses and made a finding, where there is any evidence to support the finding of the local Board of Education we will not disturb such a finding.

The State Board makes the following conclusions of law:

1. The evidence supporting the findings of fact authorized a conclusion that the teacher had violated the provisions of Georgia Code Section 32-2101 c (a) and under the provisions of 32-2104 c (b) a non-renewal of the teacher's contract was authorized.

Accordingly the State Board of Education finds against the three issues raised by the appellant in its notice of appeal to the State Board of Education and sustains the decision of the local Board of Education.

This 11th day of August, 1976.

By all Members of the State Board of Education, except for Mr. Kilpatrick, who was absent.

(This opinion was written by Mr. T. K. Vann)


Richard Neville, Vice-Chairman
for Appeals