

STATE BOARD OF EDUCATION, STATE OF GEORGIA

JAMES C. LEWIS,	:	
	:	CASE NO. 1976-12
Appellant,	:	
	:	
vs.	:	
	:	
ROME BOARD OF EDUCATION,	:	APPEAL
	:	
Appellee.	:	

ORDER OF STATE BOARD

On April 8, 1976, Mr. James C. Lewis was given written notice that he would not be recommended for employment for the 1976-1977 school term. On April 15, 1976, Mr. Lewis, through counsel, requested a hearing before the Rome City Board of Education (hereinafter "Local Board") and a listing of the reasons for non-renewal of his contract. Mr. Lewis was provided with notice of the reasons of non-renewal which included:

- (1) Unsatisfactory classroom management;
- (2) Insubordination and failure to cooperate with the school administration, and
- (3) Insubordination and wilful neglect of duties.

On June 12, 1976, a hearing was held before the Local Board and on June 13, 1976, the Local Board rendered

its decision that Mr. Lewis' contract for the 1976-77 school term would not be renewed. On July 7, 1976, Mr. Lewis appealed the decision of Local Board to the State Board of Education on the grounds that:

1. The decision was contrary to the evidence and without evidence to support it;

2. The decision was contrary to law and the principles of justice and equity;

3. The Local Board erred in failing to grant certain motions made by Mr. Lewis, and

4. The Local Board erred in permitting certain evidence to be introduced and in excluding certain evidence.

The State Board of Education, after reviewing the record and hearing the arguments of counsel, makes the following findings of fact and conclusions of law:

#### FINDINGS OF FACT

1. During the summer months prior to the 1975-76 school term, Mr. Lewis did not have a pre-school conference with the principal as was suggested in writing by the principal, and did not attempt to contact the principal during the summer months.

2. Upon reporting to school for the beginning of the 1975-76 school term, Mr. Lewis was informed that two

of the classes he was to teach had been changed by the principal. Mr. Lewis was upset by these changes and complained to the principal, but the class assignments were not changed.

3. The principal visited Mr. Lewis' classroom several times during the 1975-76 school term. During these visits, he observed that students were inattentive, loud and boisterous, sleeping during class, playing with cards during examination periods, painting their fingernails, and plaiting one another's hair.

4. When the principal attempted to counsel Mr. Lewis, Mr. Lewis adopted the attitude that the principal was attempting to harass him, and was "out to get him".

5. Mr. Lewis missed a Staff Development Meeting without being excused.

6. Although the principal requested Mr. Lewis to submit more detailed lesson plans in an effort to obtain better control of his classes, Mr. Lewis delayed in submitting the lesson plans, wrote a letter requesting the principal to "Take one of my courses...by constructing a lesson plan for that course for one week, show the type of lesson plans that you expect", and at one time submitted the lesson plans to the principal on a brown paper bag.

7. During another attempt by the principal to counsel Mr. Lewis, Mr. Lewis brought a tape recorder and

after being requested not to use the tape recorder, Mr. Lewis began writing down all the statements made by the principal and would not engage in any discussion with the principal.

#### CONCLUSIONS OF LAW

1. There was sufficient competent evidence before the Local Board to permit it to not renew the contract of Mr. Lewis. While the conduct of Mr. Lewis with respect to any single incident may not have created any cause for concern, the total effect of all the evidence was sufficient to give the Local Board grounds for not renewing the contract.

Additionally, this Board will not overrule a local board on review when there is evidence before the local board that would be sufficient to sustain its decision. See, Antone v. Greene County Board of Education, 1976-11 and cases cited therein.

2. The Local Board did not err in failing to grant Mr. Lewis' motions. The first motion was one to recuse the chairman of the Local Board on the grounds that the chairman had made statements before the hearing that indicated he was biased against Mr. Lewis. A thorough review of the record does not indicate that the chairman exhibited bias in the conduct of the hearing, nor did he exercise such domination over the other board members

such that his absence from the hearing would have resulted in other than the unanimous decision by the Local Board that was rendered in this case.

The second motion was one to dismiss the charges of unsatisfactory classroom management on the grounds that it is not one of the reasons stated in Georgia Code Ann. § 32-2101c for termination or suspension. The provisions for non-renewal of a contract, however, are found in Georgia Code Ann. § 32-2103c rather than in § 32-2101c. Additionally, reason number (8) of Georgia Code Ann. § 32-2101c (a) states that a teacher may be terminated or suspended "for any other good and sufficient cause". Unsatisfactory classroom management would fall within this category, especially where, as here, the charge has been particularized, thus affording the teacher the opportunity to defend against the charge.

The next motion was one to dismiss certain of the charges. If error, the failure to dismiss the charges was harmless error because sufficient grounds remain which would have permitted the Local Board to arrive at the decision it did in this case.

3. It did not constitute reversible error for the Local Board to permit the introduction into evidence of a reprimand received by Mr. Lewis from the Local Board

during the previous school year. Testimony concerning the reprimand had been previously introduced without objection and the introduction of the document itself, in light of all of the other evidence that had been introduced in the case, certainly could not be considered as prejudicial.

The exclusion by the Local Board of testimony by other teachers regarding the extent of lesson plan development required of them and their methods of classroom management does not constitute a sufficient ground to reverse the Local Board. The issue herein concerned the ability of Mr. Lewis to function within the school system and with the principal. It was immaterial and irrelevant whether other teachers were requested to submit detailed lesson plans and how they handled or would have handled specific problems or hypothetical problems.

Accordingly, the decision of the Rome City Board of Education is sustained.

This the 5<sup>th</sup> day of November, 1976.

Mr. Stembridge, Mr. Neville, Mrs. Huseman, Mr. Hendricks, Mr. Whaley and Mr. Kilpatrick voting to affirm. Mrs. Oberdorfer and Mr. McClung voting to reverse. Mr. Smith did not participate and Mr. Vann was not present.

  
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RICHARD NEVILLE  
VICE CHAIRMAN FOR APPEALS