

STATE BOARD OF EDUCATION, STATE OF GEORGIA

STAN DAWSON,	:	
	:	CASE NO. 1976-14
Appellant,	:	
	:	
vs.	:	
	:	
ROME BOARD OF EDUCATION,	:	APPEAL
	:	
Appellee.	:	

ORDER

On May 29, 1976, following extensive hearings, the Rome Board of Education decided that the 1976-77 contract of Stan Dawson (hereinafter "Appellant") with the Rome City School System would not be renewed. By letter dated June 9, 1976, Mr. Dawson, through his attorney, appealed this decision. Based upon the briefs and argument of counsel, the grounds for appeal were:

(1) The Rome City Board of Education (hereinafter the "Local Board") was not an impartial tribunal;

(2) The Local Board improperly permitted hearsay testimony to be introduced at the hearing, and

(3) The Local Board failed to obtain sufficient evidence to sustain its decision to not renew Appellant's contract.

The State Board of Education finds against the Appellant and sustains the decision of the Local Board.

The State Board of Education makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Appellant was employed as a teacher by the Rome City School System for six years.

2. On April 8, 1976, Appellant was notified by the superintendent and the principal that they would not recommend the renewal of his contract for the 1976-77 school term to the Local Board.

3. On April 21, 1976, Appellant requested a statement of why his contract would not be renewed and also requested a hearing before the Local Board. The reasons for non-renewal were set forth in the letter dated May 17, 1976, and a hearing before the Local Board was held on May 27 and 28, 1976. After the hearing, the Local Board decided that Appellant's contract for 1976-77 would not be renewed.

4. Prior to the hearing, the superintendent outlined to the Local Board that he would not recommend the renewal of Appellant's contract. The Local Board did not receive any substantive evidence or render any decisions at that time.

5. The testimony and evidence presented to the Local Board disclosed that Appellant consistently engaged in a dispute with the principal regarding the administrative practices of the school and the methods of teaching. Among the facts shown were:

a. Prior to the beginning of the 1975-76 school term, Appellant failed to obtain a chest x-ray, as was requested of all teachers.

b. Appellant failed to post classroom rules until after Christmas when requested to do so prior to the beginning of the school term.

c. Appellant failed to sit with his students during two pep rallies, even though he was specifically requested to do so by the principal.

d. Following a teacher evaluation session, Appellant failed to submit more detailed lesson plans as requested by the principal.

A further detailed listing of the existing circumstances and the evidence before the Local Board is unnecessary to show that Appellant did not comply with the administrative rules of the school and the directions of the principal.

6. On a number of occasions, Appellant failed to carry out the instructions of the principal or follow the rules of the school.

CONCLUSIONS OF LAW

1. The appeal was properly made to this Board.

2. The Local Board was fair and impartial.

Appellant's claim that the Local Board prejudged the case, because it had heard the superintendent's explanation of why he was not going to recommend renewal, is without merit. The superintendent's presentation to the Local Board of the proposed course of action does not establish that the Local Board prejudged the matter.

3. Appellant's argument that the Local Board's decision should be reversed because of the introduction of hearsay testimony is without merit. The Local Board had other sufficient competent evidence to support its decision.

4. The Local Board had sufficient evidence to not renew Appellant's contract. The evidence presented by Appellant partially consisted of testimony which attacked the ability of the principal to serve as an administrator. There was, however, undisputed evidence presented to the Local Board which showed that the Appellant was insubordinate and wilfully neglected his duties by not following the rules of the school. The evidence presented by Appellant concerning the principal only went to the credibility of the principal's testimony. This Board follows the "any evidence" rule on appeals, and where, as here, there is sufficient evidence to sustain the Local

Board's decision, this Board will not weigh the evidence and disturb that decision. See Antone v. Green County Board of Education, 1976-11, and cases cited therein.

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

This the 5th day of November, 1976.

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


RICHARD NEVILLE
VICE CHAIRMAN FOR APPEALS