

STATE BOARD OF EDUCATION
STATE OF GEORGIA

THOMAS BAKER, :
 :
 Appellant, :
 :
 vs. : CASE NO. 1978-1
 :
 CAMDEN COUNTY BOARD OF :
 EDUCATION, :
 :
 Appellee. :

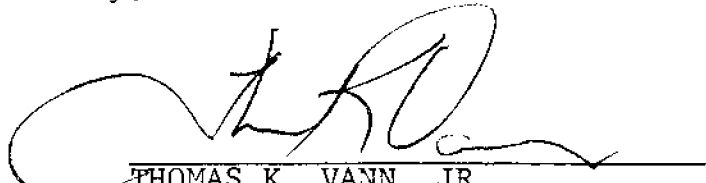
O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Camden County Board of Education herein appealed from, is hereby affirmed.

This 11th day of May, 1978.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION
STATE OF GEORGIA

THOMAS BAKER,	:	CASE NO. 1978-1
	:	
Appellant,	:	
	:	
vs.	:	
	:	
CAMDEN COUNTY BOARD OF	:	
EDUCATION,	:	REPORT OF
	:	
Appellee.	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

On November 22, 1977, the Camden County Board of Education (hereinafter referred to as "Local Board") made a decision to uphold the termination of Thomas Baker (hereinafter referred to as "Appellant") from his position as a teacher in the Camden County High School. This decision followed a recommendation made by the Professional Practices Commission. The termination was made on the grounds that Appellant had willfully neglected his duties, had used school photocopying equipment without authorization, and had exhibited hostile action against the Curriculum Director. Appellant has appealed to the State Board of Education on the ground that the evidence did not support the decision.

The Hearing Officer recommends that the decision of the Local Board be affirmed.

PART II

FINDINGS OF FACT

On February 11, 1977, Appellant was notified in writing that he was suspended from his teaching duties at Camden County High School pending a hearing because of willful neglect of duties and other charges. A written list of the charges and witnesses was also given to Appellant. The list of charges and witnesses was amended on February 18, 1977 and March 22, 1977.

The Professional Practices Commission began a hearing on the matter on April 25, 1977. The hearing was held on April 25, 26, and 27 and May 23, 1977. On November 8, 1977, the Professional Practices Commission issued its findings supporting the suspension for the academic year 1976-1977. The Hearing Examiner found that Appellant had (1) failed to improve his teaching techniques as recommended by a Professional Practices Commissioner reviewer, (2) failed to abide by a specified work day schedule, (3) failed to sign in as required by school policy, (4) left his classroom unattended while there were students attending the class,

racially motivated.

Although the evidence presented was conflicting in many instances, there was evidence available to support the decision of the Local Board. The State Board of Education follows the rule that if there is any evidence to support the decision of the local board of education, then the decision

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(5) visited other classroom teachers in the halls during the school day while there were students attending his class, (6) used photocopying equipment in the main office without authorization, and (7) committed hostile action toward the curriculum director on February 7, 1977. Based upon these findings, the Professional Practices Commission recommended that the Superintendent's decision to suspend Appellant and to terminate his contract for the balance of the 1976-1977 school year be affirmed. The Local Board met on November 22, 1977 and voted to accept the findings and recommendations of the Professional Practices Commission. Appellant appealed this decision to the State Board of Education on December 14, 1977. The appeal asserted that the decision of the Local Board was contrary to the evidence adduced at the hearing. During oral argument Appellant also raised the issue that certain evidence pertaining to a prior hearing was improperly excluded over the objection of counsel.

PART III

CONCLUSIONS OF LAW

Ga. Code Ann. §32-2101c(a) permits the contract of employment of a teacher to be suspended or terminated for a number of reasons, among which are willful neglect of duties,

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will not be disturbed on review. Antone v. Greene County Board of Education, Case No. 1976-11.

A review of the transcript discloses that there was evidence of Appellant's consistent lateness for school and of his confrontation with the curriculum director in the hall in the presence of some students. These are but two examples of the disputed evidence presented at the hearing. These activities, taken together, do not show that the Local Board made an arbitrary and capricious decision.

As for Appellant's charge that his discharge was politically or racially motivated, there was not a finding of this fact by the Professional Practices Commission. The evidence contained in the record does not establish that the discharge was politically or racially motivated. Appellant's consistent disregard of the principal's directives appears to be the overriding motivating factor for his dismissal. Any one of his actions, taken alone, might have been comparable to the actions of any other teacher, but, taken together, his actions represented willful neglect of duties.


Appellant's arguments concerning the record of a prior proceeding are not supported by the transcript. Appellant attempted to introduce the record in its entirety and an objection by Appellee's counsel was sustained. The Hearing Examiner, however, stated that the witness could be

impeached by a showing of specific prior inconsistent testimony, but anything in the prior transcript concerning the evaluation of other teachers was ruled immaterial to the proceeding. Appellant, therefore, was not denied an opportunity to use the prior record for impeachment purposes.

PART IV

RECOMMENDATION

Based upon the record submitted, the briefs and arguments of counsel, and the above findings and conclusions, the Hearing Officer recommends that the decision of the Camden County Board of Education to suspend and terminate Appellant's contract be sustained.



L. O. BUCKLAND
Hearing Officer