

STATE BOARD OF EDUCATION
STATE OF GEORGIA

GERTIE SIMMONS, :
 :
 Appellant, :
 :
 vs. : CASE NO. 1978-2
 :
 CAMDEN COUNTY BOARD OF :
 EDUCATION, :
 :
 Appellee. :

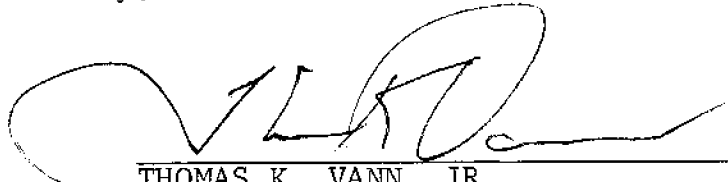
O R D E R

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

GERTIE SIMMONS,	:	CASE NO. 1978-2
	:	
Appellant,	:	
	:	
vs.	:	
	:	
CAMDEN COUNTY BOARD OF	:	
EDUCATION,	:	REPORT OF
	:	
Appellee.	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

This appeal is a companion to Case No. 1978-1, Baker vs. Camden County Board of Education. On November 22, 1977, the Camden County Board of Education (hereinafter referred to as "Local Board") made a decision to uphold the termination of Gertie Simmons (hereinafter referred to as "Appellant") from her 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 was insubordinate and had willfully neglected her duties. 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 she was suspended from her teaching duties at Camden County High School effective at the close of the school day on February 11, 1977 because of insubordination and willful neglect of duties. A written list of the specific charges and witnesses was also given to Appellant.

The Professional Practices Commission held a hearing September 15, 1977. On November 8, 1977, the Professional Practices Commission issued its report and recommended that the Superintendent's decision to suspend Appellant and to terminate Appellant's 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 Professional Practices Commission hearing examiner found that Appellant was insubordinate in (1) per-

mitting a student to participate in a physical education class who was not assigned to the class, and (2) refusing to follow administrative directives that students excused during class periods be issued an official school hall pass and that no more than two students be excused at any one time. The hearing examiner found that Appellant neglected her duties by (1) failing to report to work on time on several occasions during the academic year 1976-1977; (2) leaving her classroom with her students unattended for varying lengths of time on different occasions; and (3) failing to file her third nine-weeks lesson plans in Science.

The appeal asserted that the decision of the Local Board was contrary to the evidence adduced at the hearing.

PART III

CONCLUSIONS OF LAW

Appellant in the instant case makes the same arguments as were made by the appellant in Case No. 1978-1 and the conclusions reached in that case are essentially applicable here. In summary, the grounds upon which the Local Board acted are statutorily authorized, Ga. Code Ann. §32-2101c(a). There was evidence available to support the decision of the Local Board and the State Board of Education will not disturb

a decision that is supported by any evidence. Antone v. Greene County Board of Education, Case No. 1976-11.

A review of the transcript shows that when Appellant was first questioned about a student being in her physical education class who was not assigned to her class, she denied having any knowledge whatsoever about the incident. Later, however, when questioned by her own attorney about the incident, she gave explicit details of the incident which differed from those given by the principal. Appellant also testified that she understood the procedures concerning the use of hall passes but did not use the passes because she had lost the one that had been issued to her and did not think that it was her responsibility to get another. Concerning the charge that Appellant was late for work on several occasions, the evidence showed that during the period January 3 through January 18, 1977, Appellant was late on ten different occasions. There was, therefore, evidence supporting the decision made by the Local Board.

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

L. O. BUCKLAND
Hearing Officer