

STATE BOARD OF EDUCATION
STATE OF GEORGIA

JAMES BRANNEN, :
 :
 Appellant, :
 :
 vs. :
 :
 THE BOARD OF EDUCATION FOR :
 THE CITY OF SAVANNAH AND THE :
 COUNTY OF CHATHAM, :
 :
 Appellee. :

CASE NO. 1978-19


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 Board of Education for the City of Savannah and the County of Chatham herein appealed from, be, and is hereby affirmed.

This 14th day of September, 1978.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

SEP 5 1978

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JAMES BRANNEN,	:	CASE NO. 1978-19
	:	
Appellant,	:	
	:	
vs.	:	
	:	
THE BOARD OF PUBLIC EDUCATION	:	
FOR THE CITY OF SAVANNAH AND	:	
THE COUNTY OF CHATHAM,	:	REPORT OF
	:	
Appellee.	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

On May 15, 1978, the Board of Public Education for the City of Savannah and the County of Chatham (hereinafter "Local Board") voted to terminate the teaching contract of James Brannen (hereinafter "Appellant") on a charge of immorality. The appeal to the State Board of Education urges a reversal because the decision of the Local Board was extreme and unwarranted in light of the facts of the case. The Hearing Officer recommends upholding the decision of the Local Board.

PART II
FINDINGS OF FACT

On April 17, 1978, Appellant was notified that he was being charged with immorality and that a hearing would be held. He was suspended on April 19, 1978. A tribunal of educators heard the matter on April 28, 1978 and recommended a one-year suspension. The Local Board accepted the report of the tribunal and on May 15, 1978 voted to terminate Appellant's contract. The appeal to the State Board of Education was filed with the local superintendent on May 18, 1978.

The tribunal found that on November 22, 1977, Appellant shoplifted a package of undershirts from a local store. The shirts had a retail value of approximately \$3.50. Appellant was arrested, but had not been tried at the time of the hearing. Appellant admitted at the hearing that he had taken the package. His explanation for the incident was that he was suffering from emotional trauma brought about by his divorce eleven days before the incident.

Following his arrest, Appellant was the subject of an extortion attempt. He reported the incident to the district attorney and cooperated with the district attorney in a subsequent investigation which resulted in the arrest

and indictment of a police officer and a security guard for similar attempts over a period of time. It was only as a result of his cooperation with the district attorney that Appellant's case came to the attention of the school system.

PART III

CONCLUSIONS OF LAW

There were no objections made to the evidence presented or to the findings of fact made by the tribunal. The hearing and termination were carried out in compliance with the Fair Dismissal Act, Ga. Code Ann. §32-2101c et seq.

The only issues raised in the appeal were that the decision of the Local Board (1) was too harsh and unwarranted and (2) overlooked the recommendation of the hearing tribunal. Such issues, however, do not establish sufficient grounds for a reversal of a local board decision. The local board is not required to adopt the recommendations of a hearing tribunal. See, Poland v. Cook County Bd. of Educ., Case No. 1977-4. Although there were extenuating and mitigating circumstances involved, the Local Board was acting within its power and authority and there is no evidence to indicate that the decision of the Local Board was improper.

PART IV

RECOMMENDATION

Based upon the above findings and conclusions and the record submitted, it is the opinion of the Hearing Officer that the Board of Public Education for the City of Savannah and the County of Chatham was acting within its power and authority in rendering its decision to terminate Appellant, that the proceedings met the requirements of the Fair Dismissal Act, and that the evidence supports the decision. The Hearing Officer, therefore, recommends that the decision of the Board of Public Education for the City of Savannah and the County of Chatham be affirmed.

L. O. Buckland

L. O. BUCKLAND
Hearing Officer