

STATE BOARD OF EDUCATION

STATE OF GEORGIA

HUGH EDWARDS, :
 :
 Appellant, :
 :
 vs. : CASE NO. 1978-32
 :
 COFFEE 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

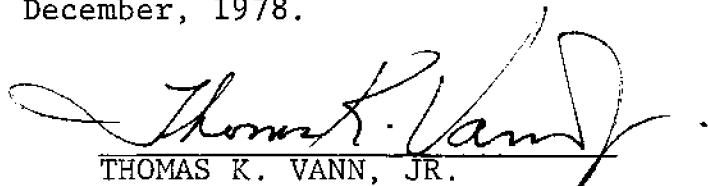
DETERMINES AND ORDERS, that the decision of the Coffee County Board of Education herein appealed from, is hereby affirmed.

Mrs. Huseman abstained.

Mr. Hendricks and Mr. Foster were not present.

This ~~21st~~ day of December, 1978.

TKV


THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION
STATE OF GEORGIA

HUGH EDWARDS,	:	
	:	
Appellant,	:	CASE NO. 1978-32
	:	
vs.	:	
	:	
COFFEE COUNTY BOARD OF	:	REPORT OF
EDUCATION,	:	HEARING OFFICER
	:	
Appellee.	:	

PART I
SUMMARY OF APPEAL

This is an appeal by Hugh F. Edwards (hereinafter "Appellant") from a decision by the Coffee County Board of Education (hereinafter "Local Board") that his contract as principal not be renewed for the 1977-1978 school year. The reasons given for the nonrenewal were (1) inefficiency; (2) insubordination, and (3) violation of Standard Professional Ethics. The appeal is made on the grounds that the decision of the Local Board was wholly unsupported by the charges and evidence, and Appellant's due process rights were violated because of the manner in which the chairman conducted the hearing and the rulings he made on Appellant's motions respecting the sufficiency of the charges and the evidence introduced. The Hearing Officer recommends that the decision of the Local Board be upheld.

PART II

FINDINGS OF FACT

Appellant was notified in writing by the superintendent on April 7, 1978, that he would not be recommended for reemployment for the 1978-1979 school year. The superintendent provided a list of the charges and a list of the available witnesses on the same day when Appellant requested them and asked for a hearing before the Local Board. The hearing before the Local Board was held on May 10 and 11, 1978. The Local Board made its decision on May 15, 1978. Appellant then filed his notice of appeal to the State Board of Education on June 9, 1978.

The Local Board did not make any findings of fact or conclusions of law in arriving at its decision. When the May 15th decision was reached, the Chairman of the Local Board made the statement that the reason for nonrenewal was because of "lack of leadership, inability to make administrative decision, otherwise not deal reasonably with students and staff, inefficiency and insubordination."

The superintendent listed eleven reasons for the nonrenewal of Appellant's contract. One of the reasons was Appellant's failure to call the superintendent prior to calling the police to arrest a student on the campus. The evidence was conflicting, but there was some evidence to support the charge that Appellant did not call the

superintendent before calling the police even though the superintendent had specifically told Appellant to do so after a similar prior incident.

Another reason listed for Appellant's nonrenewal was violation of Standard Professional Ethics. There was testimony presented that an incident occurred in a teacher's class and Appellant asked the teacher to sign an arrest warrant for a student. The teacher had second thoughts about signing the warrant and went to Appellant with the request that Appellant sign the warrant. During the course of conversation, Appellant threatened the teacher that he was going to "come down real hard" on him and "would not be responsible for the consequences". This constituted attempted coercion of a fellow professional.

These two reasons are sufficient to sustain the decision by the Local Board. Where there is any evidence to support a decision by a local board, the State Board of Education will not disturb that decision on review. Antone v. Greene County Board of Education, Case No. 1976-11. The remaining reasons had some evidence to support them, but a discussion of each reason is not necessary in view of the finding that the above two reasons are sustained by the evidence.

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CONCLUSIONS OF LAW

Insubordination is one of the reasons statutorily permitted for nonrenewal. Ga. Code Ann. §32-2101c(2). Violation of Standard Professional Ethics comes within the "for any other good and sufficient cause" standard. Ga. Code Ann. §32-2101c(8). The Hearing Officer, therefore, concludes that the charges made against Appellant were statutorily permitted reasons for nonrenewal. The reasons for nonrenewal were set forth with sufficient specificity to permit Appellant to adequately prepare an answer and defense to the charges.

Appellant argues that the conduct of the hearing and the rulings made on his motions by the Chairman of the Local Board were such that he was denied due process. A review of the record does not disclose any reversible error in the conduct of the hearing. There was sufficient competent evidence before the Local Board to permit it to decide not to renew Appellant's contract.

PART IV

RECOMMENDATION

Based on the above findings and conclusions, the record submitted, and the briefs and oral argument of counsel, it is the opinion of the Hearing Officer that there was sufficient evidence before the Local Board to permit it to

make its decision and Appellant was afforded all of his due process rights. The Hearing Officer, therefore, recommends that the decision of the Coffee County Board of Education not to renew Appellant's contract be sustained.

L. O. Buckland

L. O. BUCKLAND
Hearing Officer