

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>ERMA BONNER WALKER,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1989-25</b>
v.	:	
	:	<b>DECISION</b>
<b>LAGRANGE CITY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Erma Bonner Walker (“Appellant”) from a decision by the LaGrange City School Board (“Local Board”) not to renew her teaching contract following a hearing at which the Local Board found sufficient evidence to sustain charges of incompetency, insubordination, willful neglect of duties, and other good and sufficient cause. Appellant maintains on appeal that there was insufficient evidence to sustain the charges. The decision of the Local Board is sustained.

Appellant was employed as an elementary school teacher for twenty-seven years by the LaGrange City School System. During the 1988-1989 school year, Appellant was suspended without pay for thirty days following a disciplinary proceedings. Upon her return in September, 1988, Appellant was assigned to the position of utility teacher. She met with the Local Superintendent and he outlined her duties. Her primary duty was to provide long-term replacement for teachers who were absent for various reasons, including illness and maternity leave. During the school year, Appellant was evaluated on several occasions. Several teachers complained about her service as a replacement. On March 16, 1989, the Local Superintendent informed Appellant that he would not recommend renewal of her teaching contract. Appellant requested a hearing and the Local Board requested the Professional Practices Commission to establish a tribunal to hear the charges against Appellant. The hearing was conducted on June 5, 1989.

Appellant was charged with incompetency because, it was charged, she did not possess sufficient knowledge of her subject area, she failed to use effective teaching techniques, she failed to follow the lesson plans left by teachers, and she failed to communicate aims and objectives to students in a well-planned organized manner. Appellant was charged with insubordination because it was alleged that she had administered reading inventories to her students in May, 1988, and had violated standards of professional performance relating to human and interpersonal relationships with her students and fellow workers. The charge of willful neglect of duties arose from the allegations that Appellant performed personal business while she was supposed to be teaching, and that she administered the reading inventory to her students without authorization in May, 1988, that she violated standards of professional performance by failing to use available instructional material and equipment, and that she failed to create an atmosphere which fostered interest and enthusiasm for learning and teaching in her classroom and repeatedly violated administrative regulations defining the duties and responsibilities of a utility teacher.

The Professional Practices Commission tribunal made the following findings of fact:

1. Following [Appellant's] thirty [day] suspension ... [Appellant] was scheduled to return to work on September 22, 1988. On the day prior to [her] return, she met with [the Local Superintendent] and [the] Assistant Superintendent for Personnel to discuss her return to work and her new job assignment. In that conference, (Appellant] was informed that, since all regular teaching positions had been filled when charges seeking (her] termination had been pending, she was to be assigned duties as a utility teacher serving six elementary schools... that she was to receive her teaching assignments on a daily basis.... Although the job position of a utility teacher was a new position within the LaGrange School System, and although the formal written job description for such position was not developed until November 16, 1988, ... [Appellant, because of her] lengthy service as a teacher ... and her knowledge of public education, ... was well aware of the duties and responsibilities of her new position and the conduct which would be expected of her a utility and substitute teacher prior to her assumption of those job duties.

2. Despite (Appellant's] extensive experience despite the initial orientation conference... and despite numerous subsequent conferences ... in an attempt to assist [Appellant] in the performance of her job duties ... (Appellant] continually encountered difficulties and problems in the performance of her teaching functions as a utility teacher including specifically her classroom management and organization, her control over student conduct and student discipline, and with respect to her following less plans and instructions

left her by the regular classroom teacher. ... [T]he problems and difficulties which were experienced by [Appellant] were further compounded by [Appellant's] poor and uncooperative attitude and her poor working relationship with her fellow teachers, principal and supervisors; and, as a result of [Appellant's] teaching deficiencies, a number of teachers within the LaGrange School System and several principals specifically requested that [Appellant] not be assigned to their schools or classrooms as a long-term substitute teacher in the future. In fact, [Appellant's] difficulties and deficiencies were so great and her teaching performance so poor and inadequate that one teacher, who was scheduled to be absent on an extended basis for surgery, even indicated that she would delay the surgery if [Appellant] were to be assigned to her classroom as a long-term substitute teacher.

3. While [Appellant] was assigned to Hollis Hand Elementary School to teach [a] class... on or about October 3, 1988, [Appellant] made derogatory and unprofessional remarks to a student ... by referring to that student as 'fat boy.' ... [Appellant] made such statement ... when that student had simply raised his hand to answer a question posed by [Appellant] and ... [Appellant's] actions were clearly inappropriate and -unprofessional. Following this incident, a conference was held ... [at which Appellant] admitted having referred to [the student] as 'fat boy' and acknowledged the inappropriate and unprofessional nature of her statement. As a result of that conference ... [Appellant was instructed] to write to that student a letter of apology. ... [T]he purported letter of apology was not intended by [Appellant] as an apology, it did not carry an appropriate tone of remorse on the part of [Appellant], and ... it may well have served to injure further the student's feelings and self esteem. In addition, the purported letter of apology from [Appellant] contained several grammatical errors and was not an appropriate or acceptable work product from a teacher of [Appellant's] experience. ... [T]he errors within ... [the] purported letter of apology were much more than mere typographical errors and evidenced [Appellant's] lack of knowledge of basic English grammar and the subject matter which she was teaching elementary students.

Additional findings of fact by the Professional Practices Commission tribunal describe several other instances of Appellant's lack of knowledge about mathematics, failure to follow lessons plans, displays of unprofessional conduct (e.g., eating candy during class without offering any to students), inability to control her students, conduct of personal business during school hours without permission, and the requests by at least three principals that Appellant not be reassigned to their schools as a replacement teacher. The tribunal also found that there had been numerous conferences with Appellant in an attempt to assist her. The hearing tribunal also found that Appellant had administered a reading inventory to her students in May, 1988, after being specifically informed that the assistant principal was the only person at the school authorized to administer the inventories.

Based upon its findings, the Professional Practices Commission tribunal concluded that the Local School System had established by a preponderance of the evidence that Appellant

was guilty of the charges of incompetency, insubordination, willful neglect of duties, and other good and sufficient cause. The tribunal recommended non-renewal of Appellant's teaching contract. The Local Board met on July 27, 1989, and, after reviewing the tribunal's report, voted to adopt the tribunal's findings of fact and recommendation. Appellant filed here appeal to the State Board of Education on August 3, 1989.

Appellant argues on appeal that the Professional Practices Commission tribunal's findings were based upon uncorroborated hearsay evidence, and that the LaGrange City School System failed to provide her with a remediation plan which she claims is required under the provisions of O.C.G.A. § 20-2-210. Appellant also claims that any evidence that related to her previous disciplinary hearing should not have been considered.

If there is any evidence to support the decision of a local board of education, the State Board of Education is bound to let the decision stand in the absence of any finding that the decision is illegal or is arbitrary and capricious. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11. In the instant case, there is substantial evidence to support the findings made by the Professional Practices Commission tribunal and adopted by the Local Board.

O.C.G.A. § 20-2-210 provides that "certificated professional personnel who have deficiencies and other needs shall have professional development plans designed to mitigate such deficiencies and other needs as may have been identified during the evaluation process." While the record shows that the Local Board did not have a professional development plan in place to assist Appellant, numerous efforts were made to work with Appellant and assist her in mitigating her deficiencies, but these efforts were of no avail. Because of the efforts made by the Local School System, we conclude that the lack of a professional development plan is not fatal to the Local Board's decision in this case.

Based upon the foregoing, the record presented, and the briefs and arguments of counsel, the State Board of Education is of the opinion that the decision of the Local Board is supported by competent evidence; Appellant was not denied due process, and the decision was within the authority of the Local Board. Accordingly, the decision of the Local Board is

SUSTAINED.

Mr. Sears and Ms. Baranco were not present. Mr. Taylor did not vote. and was not present for deliberations.

This 9<sup>th</sup> day of November, 1989.

Larry A. Foster  
Acting Vice Chairman for Appeals