

STATE BOARD OF EDUCATION

STATE OF GEORGIA

BRENDA HALL,	:	
Appellant,	:	
	:	CASE NO. 1995-17
	:	
vs.	:	
	:	DECISION
WARE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Brenda Hall (Appellant) from a decision by the Ware County Board of Education (Local Board) to terminate her contract because of incompetency and other good and sufficient reason under the provisions of O.C.G.A. § 20-2-940. Appellant claims that the Local Board failed to present sufficient evidence to sustain her dismissal. The Local Board’s decision is sustained.

Appellant taught for the Local Board and its predecessor for twenty—two years as an elementary teacher and was considered to be outstanding. During the 1992-1993 school year, she developed severe depression and was frequently absent from school. She took a medical leave of absence and was permitted to teach only two half—days per week when she returned. Her condition persisted into the 1993-1994 school year and she was unable to cope with the stress of a classroom. The Local Superintendent attempted to accommodate her condition by allowing her to work in a position where she only tested students and did not directly supervise anyone. The new position also proved to be too stressful. The Local Superintendent then had her placed in a clerical position where she did not have to come in contact with any of the students. Notwithstanding that she was not teaching, the Local Board continued her teaching salary.

After two weeks, Appellant became upset that her position was not dignified enough for her and she walked out without explaining why she was leaving. The Local Board, nevertheless, offered her a contract for the 1994-1995 school year upon the condition that a psychiatrist appointed by the Local Board approved her return.

Appellant claims that the Local Board failed to establish that she was unable to perform any work. The record, however, shows that the Local Board attempted in several ways over a two-year period to accommodate Appellant and her disability. Appellant claims that the Local Board should have created an administrative position for her that would have permitted her to continue working. “The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board’s decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783, 242 S.E.2d 374 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976).” Roderick J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). In this case, there was ample evidence from which the Local Board could determine that

Appellant was no longer competent to handle her teaching duties. The Local Board was not under any duty to create a new administrative position to accommodate Appellant, who was not certified to hold an administrative position.

Based upon the foregoing, the State Board of Education is of the opinion that there was evidence to sustain the Local Board's decision, and the decision was not arbitrary or capricious. The Local Board's decision, therefore, is
SUSTAINED.

This 10th day of August, 1995.

Messrs. Sessoms, Teasley and Williams were not present. The seat for the Tenth District is vacant.

Robert M. Brinson
Vice Chairman for Appeals