

STATE BOARD OF EDUCATION
STATE OF GEORGIA

DENNIS WHITE,	:	
	:	
Appellant	:	
	:	CASE NO. 1997-18
vs.	:	
	:	DECISION
SAVANNAH-CRATHAM COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Dennis White (Appellant) from a decision by the Savannah-Chatham County Board of Education (Local Board) to terminate his teaching contract under the provisions of O.C.G.A. § 20-2-940 after finding that he exercised poor judgment in placing unruly students outside his classroom and locking the door when the students kept trying to come back into the classroom, and finding that he inappropriately made reference to his students' underwear and race as part of a classroom exercise involving classifications. Appellant claims that the evidence was insufficient to support the charges, he was denied procedural due process, and the conduct complained of did not warrant dismissal. The Local Board's decision is **SUSTAINED.**

Appellant was employed by the Local Board for six years and was teaching as a sixth grade science teacher during the 1996-1997 school year. In the middle of January, 1997, he taught his science class a unit on classifications, where he was attempting to show his students how scientists grouped the elements according to various characteristics. He asked the students to stand up, then proceeded to have them sit down according to different classifications. First, he asked the students to sit down if they were wearing Starter® jackets, then he had the students sit down if they had on other items of clothing or jewelry. When his selected items did not produce any major groupings, Appellant asked the students who were wearing white underwear to sit down. There was conflicting testimony that Appellant also told the "black students" to sit down.¹

Approximately three weeks later, and right after the mid-term progress reports were issued, one of Appellant's students stopped the principal in the hall and gave him some information about Appellant and the classification lesson. The principal interviewed each of the students in the class. During the course of the investigation, the principal learned that Appellant put children outside the classroom as a disciplinary measure, and if the children made repeated attempts to return to the classroom or kept opening the door of the classroom, Appellant would

¹ There were three Caucasian students and 23 African-American students in Appellant's Science class.

lock door. The principal met with Appellant on February 10, 1997, and obtained Appellant's version of what happened.

Based on the principal's recommendation, the Local Superintendent suspended Appellant with pay on February 12, 1997, and on February 21, 1997, charged Appellant with "unprofessional disciplinary actions" and "inappropriate conduct" in "singling out certain students by race and color of undergarments," and recommended dismissal under O.C.G.A. §20-2-940(aX8), which permits termination of a teacher's contract for "[any other good and sufficient cause." The Local Board conducted a hearing that began on March 5, 1997. At the conclusion of the hearing, the Local Board voted to terminate Appellant's teaching contract. Appellant then filed a timely appeal with the State Board of Education.

On appeal, Appellant claims that the evidence did not support the charges, that the charges do not warrant dismissal, and that he was denied due process in the conduct of the hearing.

The record shows that Appellant asked his students to sit down if they wore "white underwear" and he told the "black students" to sit down. The principal and assistant superintendent testified that this was clearly inappropriate.

The Local Board also argues that even if the "underwear incident, standing alone, is insufficient to terminate Appellant's contract, the fact that Appellant also locked the door of his classroom, after putting students in a detention area, which resulted in a situation where Appellant was no longer supervising the children showed such a lack of judgment that Appellant should no longer be teaching. Appellant's termination letter also referenced that Appellant had previously been reprimanded for inappropriate conduct with a student.

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 Board of Educ.*, Case No. 1976-11 (GA SBE, Sep. 8, 1976)." *Roderick J. v. Hart County Board of Educ.*, Case No. 1991-14 (Ga SBE, Aug. 8, 1991). In this case, there was evidence that Appellant classified his students according to race, told them to sit down according to the color of their underwear, and that he left his students unsupervised outside his room after locking the door.

The State Board of Education concludes that there was some evidence before the Local Board that supports its decision.

It is, therefore, the opinion of the State Board of Education that there was some evidence before the Local Board and the Local Board did not abuse its discretion in firing appellant. The Local Board's decision, therefore, is hereby SUSTAINED.

This 30th day of July, 1997.

Mr. Ed Andrews was not present.

Larry Thompson
Vice Chairman for Appeals