

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>ZERNON EVANS,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1997-50</b>
<b>vs.</b>	:	
	:	
	:	
<b>ATLANTA</b>	:	
<b>BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

This is an appeal by Zernon Evans (Appellant) from a decision by the Atlanta Board of Education (Local Board) not to renew her teaching contract because of insubordination, willful neglect of duty, incompetency, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that the evidence was insufficient to establish any of the charges. The Local Board's decision is sustained.

Appellant was employed by the Local Board in 1991 and was assigned to West Manor Elementary School. In February, 1994, Appellant's principal asked Appellant to remove from her classroom wall some religious pictures that Appellant's daughter had drawn. Appellant did not remove the pictures until after her principal wrote a letter and ordered Appellant to remove the pictures. Following this incident, Appellant's relations with her principal became strained.

During the next three years, several incidents occurred that led to a recommendation that Appellant's contract not be renewed at the end of the 1996-1997 school year. Appellant was charged with insubordination, willful neglect of duty, incompetence, and other good and sufficient cause. A tribunal was appointed to conduct a hearing on the charges.

During the hearing, the tribunal received evidence that Appellant failed to complete a mandatory professional development plan and stated that she did not intend to complete the plan. Although she was instructed to keep her religious life separate from the classroom, Appellant continued to interject religion into her activities. During an assembly program, she played a religious song. She accused another teacher of being a devil worshipper because he wore a peace symbol and told her students that the peace symbol was a sign of devil worship.

Appellant accused her principal of changing an evaluation form. The charge was submitted to and investigated by the Local Superintendent. After the Local Superintendent determined

that the principal had not changed the evaluation, Appellant filed a complaint with the Professional Practices Commission, which also found that the charge was without merit. Appellant, nevertheless, continued to accuse her principal of changing the evaluation form.

Appellant refused to acknowledge her principal's presence in the halls. Whenever they met to discuss a situation, Appellant was belligerent and, on more than one occasion, became angry and began shouting at the principal. A final confrontation occurred in February, 1997, when the principal asked Appellant to meet with her to explain why a sick day that Appellant had taken was incorrectly coded as a non-pay day. Appellant became belligerent to the point that the principal's secretary feared that Appellant was going to attack the principal.

The hearing tribunal found that there was evidence that Appellant was insubordinate, incompetent, willfully neglected her duties, and exhibited unprofessional conduct that provided grounds for non-renewal for other good and sufficient cause. The tribunal recommended against renewing Appellant's teaching contract and the Local Board adopted the recommendation. Appellant then filed a timely appeal to the State Board of Education.

On appeal, Appellant claims that the evidence does not support the charges. She claims that her actions are explainable and, at most, merely constituted negligence.

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 the instant case, there was evidence before the Local Board to support the charges.

Although Appellant claims that she did not complete the professional development plan because she was concerned about the health of her mother, the evidence shows that Appellant did not raise this issue when she met with administration personnel. Instead, she said that she did not intend to complete the plan. This incident establishes both insubordination and willful neglect of duty.

Appellant acted unprofessionally by accusing her principal of lying and changing her evaluation and continuing with such accusations after the Local Superintendent determined that there was no foundation to the accusations. She also acted unprofessionally by calling another teacher a devil worshiper and relaying her accusation to her students. In addition, she acted unprofessionally by refusing to acknowledge the principal during meetings, and by shouting at her principal.

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's determination that Appellant was insubordinate and incompetent, willfully neglected her duties, and acted unprofessionally so that there was other good and sufficient cause not to renew her teaching contract. Accordingly, the Local Board's decision is

SUSTAINED.

Mr. Larry Thompson, Vice Chair for Appeals, was not present.

This 12<sup>th</sup> day of March, 1998.

Johnny Isakson, Chairman  
State Board of Education