

because he did not want anyone talking to him the way she was talking to him.

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The next day, the principal and the secretary were sitting in the lunchroom when Appellant entered. Some teachers were also sitting at the same table. The lunchroom was noisy because students were talking. The secretary called Appellant over to apologize and say that the daycare center did not identify itself and did not tell her that the call was an emergency. Appellant and the secretary raised their voices in front of the other teachers and the students to the point where the observing teachers were embarrassed. The principal attempted to quiet Appellant on three occasions during the confrontation. On the third occasion, he raised his voice and told her to sit down.

On April 8, 1998, the Local Superintendent informed Appellant that he would not recommend renewal of her teaching contract because of incompetency, willful neglect of duties, insubordination, and other good and sufficient causes under the provisions of O.C.G.A. § 20-2-940. Appellant exercised her right to have a hearing. Starting on June 2, 1998, the Local Board held a two-day hearing.

As proof of incompetency, the Local Superintendent presented evidence that Appellant turned in a writing log one week late. The writing log was one of the requirements placed upon Appellant in a professional development plan that her principal initiated the previous year because of concerns about Appellant's ability to interact with her students and other teachers. The writing log contained numerous grammatical errors and misspellings. The evidence, however, also showed that the principal did not impose a deadline on Appellant for turning in the writing log. Appellant explained that a format was not established for the writing log and it, therefore, merely contained her random thoughts about different subjects. She had not attempted to be concerned about grammar as she made her notes because she did not anticipate that it would be reviewed. Although the writing log assignment was given during the previous year, the principal did not ask for the log until after the lunchroom incident.

The Local Superintendent also presented evidence that the special education teacher took some special education students out of Appellant's class because she felt that Appellant was not accommodating their needs. The evidence also showed that Appellant still had [ten] special education students in her class at year-end. The Local Superintendent charged that Appellant failed to work with the special education students to accommodate their needs. There was no evidence that the special education teacher attempted to inform Appellant that she felt Appellant was not cooperating and it was necessary to move some of the special education students.

As further evidence of incompetence, the Local Superintendent presented evidence that several students failed in Appellant's language arts class after Appellant informed the parents that the students were passing. The evidence, however, showed that the Students were passing when Appellant sent the notices. The day after the notices were sent, Appellant was involved in an automobile accident and a substitute teacher took over her class. The students failed to turn in

their homework on two occasions and received a zero grade while the substitute was teaching them. The zeros caused the students' averages to drop below passing.

The Local Superintendent claimed that Appellant willfully neglected her duties because she signed the sign-out sheet at 2:30 p.m. on thirteen different Fridays. Teachers were permitted to leave at 2:45 p.m. on Fridays. Appellant testified that she got into the habit of signing the sign-

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out sheet when she escorted her students to the front to release them for the day. She then returned to her office to complete her plans for the following week. She had simply found it easier to sign out when she was near the office rather than returning when she was ready to leave. The Local Superintendent did not present any evidence that Appellant actually left the campus at 2:30 p.m. during any of the thirteen weeks.

The Local Superintendent charged that Appellant was insubordinate because she engaged in an argument with her principal on February 23, 1998 and with the school secretary on February 24, 1998. There was evidence that the noise level in the lunchroom was high, but the teachers who observed the incident testified that they heard the conversation, that Appellant was belligerent, and the principal admonished her three times. Appellant testified that she did not hear the principal until the last time he spoke to her because of the noise level in the lunchroom.

The Local Superintendent presented evidence that there was other good and sufficient cause not to renew Appellant's teaching contract because she told her principal that she had her grading rubrics, or method of grading, posted on her blackboard. The rubric Appellant gave the principal differed from the rubric written on her blackboard. Appellant explained that the rubric she gave the principal was for written presentations, while the one found on her blackboard was for the oral presentation of a poem.

In addition to the incidents that occurred during the 1997-1998 school year, the Local Superintendent presented evidence that Appellant had previously been placed on a personal development plan to assist her in interacting with her students and their parents and in working with the other teachers. As a member of a teaching team, Appellant did not participate in team meetings. Other teachers did not want to be on the same teaching team with her because of her belligerent attitude and refusal to cooperate. Her team leader during the 1996-1997 school year moved to another grade because of her inability to work with Appellant. At least two teachers testified that they would not want to have their children in Appellant's class.

On June 9, 1998, the Local Board voted against renewing Appellant's teaching contract. The Local Board did not make any findings of fact or conclusions of law. Appellant filed a timely appeal to the State Board of Education. On appeal, Appellant claims that the evidence did not show that she was incompetent or insubordinate, or that she willfully neglected her duties, or that there was other good and sufficient cause not to renew her contract.

“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).

Our review of the record in this case indicates that the only basis supporting the Local Board’s decision involves the belligerence Appellant exhibited towards her principal and the school secretary. The Local Superintendent presented evidence that showed that Appellant exhibited a history of being uncooperative and being antagonistic with anyone who disagreed with her, including other teachers, students, and parents. Appellant’s actions were unprofessional and she disrupted the workplace. Her actions in the lunchroom presented an undermining influence on the principal’s ability to lead the students and faculty. Whether viewed as insubordination or other good and sufficient cause, the State Board of Education concludes that there was evidence to support the Local Board’s decision.

Based upon the foregoing, it is the opinion of the State Board of Education that the evidence supports the Local Board’s decision. Accordingly, the Local Board’s decision is SUSTAINED.

Mr. J.T. Williams, Jr. was not present. The seat for the 2nd Congressional District is vacant.

This 12th day of November 1998.

Larry Thompson
Vice Chairman for Appeals