

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ANN BENTLEY,

Appellant

vs.

**CRAWFORD COUNTY
BOARD OF EDUCATION**

Appellee

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CASE NO. 1998-47

DECISION

This is an appeal by Ann Bentley (Appellant) from a decision by the Crawford County Board of Education (Local Board) not to renew her contract as a high school guidance counselor based upon charges of incompetence and other good and sufficient causes under the provisions of O.C.G.A. § 20-2-940. Appellant claims that there was insufficient evidence to support the charges and that there were procedural errors in the conduct of her hearing. The Local Board’s decision is sustained.

At the end of the 1996-1997 school year, Appellant had served four years as the Crawford County High School guidance counselor. In April 1997, the Local Superintendent notified Appellant that her contract would not be renewed for the 1997-1998 school year because of insubordination, incompetence, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. The Local Superintendent alleged that Appellant regularly advised students improperly.

During the hearing before the Local Board, evidence was presented that Appellant advised a student that the student could satisfy the state algebra requirement by taking a pre-algebra course or a fundamentals of algebra course. There was evidence that neither course will satisfy the state algebra requirement. Another student was advised to take general math, applied math, and pre-algebra, but these courses also do not satisfy the state algebra requirement.

Appellant also advised students who had taken and passed Algebra I in the eighth grade that they could take Algebra I again while in high school. Appellant’s principal informed her that she should not schedule Algebra I for those students who had taken the course in the eighth grade. Although Appellant obtained information from the Georgia Department of Education that Algebra I could be offered for credit after a student had taken the course in eighth grade, Appellant’s principal contended that it was inappropriate to recommend Algebra I to a particular

student who was academically superior. Appellant claimed that she only identified Algebra I as a course the student could take, but she also identified trigonometry as another course the student could take, and the student actually enrolled in the trigonometry class.

In another instance, Appellant scheduled a student to take French I and French II during the same semester, but she discovered the error before scheduling was completed.

In a 3-2 vote, the Local Board found Appellant incompetent and that other good and sufficient cause existed not to renew her contract. Appellant then filed an appeal with the State Board of Education.

On appeal, Appellant claims that the evidence did not support the Local Board's decision, thus making the Local Board's decision arbitrary and capricious. "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, Ransom 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. 199 1-14 (Ga. SBE, Aug. 8, 1991). As recited above, there was evidence from which the Local Board could find Appellant incompetent and other good and sufficient cause existed not to renew Appellant's contract.

Appellant also claims that the Local Board denied her due process because the chairman allowed the introduction of evidence of incidents that occurred in previous years and of one incident that occurred after the letter of non-renewal was issued. The evidence was presented to show a pattern of conduct over an extended period of time and was unnecessary to sustain the Local Board's decision. Evidence of prior year conduct is relevant if it shows a pattern of conduct and is related to the current year conduct under consideration. *See, Palmer v. Putnam Cnty. Bd. of Educ.*, Case No. 1976-8 (Ga. SBE, 1976).

Based upon the foregoing, the State Board of Education is of the opinion that there was evidence to support the Local Board's decision and Appellant was not denied due process. Accordingly, the Local Board's decision is
SUSTAINED

Mrs. Barbara Archibald was not present. The seat for the 2nd Congressional District is vacant.

This 14TH day of January 1999.

Larry Thompson
Vice Chairman for Appeals

