

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

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|---------------------------|---|-------------------------|
| <b>ROBIN WATKINS,</b>     | : |                         |
|                           | : |                         |
|                           | : |                         |
| <b>Appellant</b>          | : |                         |
|                           | : |                         |
|                           | : | <b>CASE NO. 1998-52</b> |
|                           | : |                         |
| <b>vs.</b>                | : |                         |
|                           | : |                         |
| <b>PICKENS COUNTY</b>     | : |                         |
| <b>BOARD OF EDUCATION</b> | : |                         |
|                           | : | <b>DECISION</b>         |
| <b>Appellee</b>           | : |                         |

This is an appeal by Robin Watkins (Appellant) from a decision by the Pickens County Board of Education (Local Board) not to renew her teaching contract for the 1998-1999 school year after finding that she had willfully neglected her duties by being absent a total of 23 days during the 1997-1998 school year, 44-3/4 days during the 1996-1997 school year, 18-1/4 days during the 1995-1996 school year, 54 days during the 1994-1995 school year, and 48-3/4 days during the 1993-1994 school year. Appellant claims that there was no evidence that she willfully neglected her duties. The Local Board's decision is sustained.

Appellant was regarded as an excellent teacher who taught for the Local Board for nine years. After repeated admonitions by the Local Superintendent that her excessive absences could lead to non-renewal of her teaching contract, Appellant was absent eleven days in the first two months of the 1996-1997 school year. On November 14, 1996, Appellant's principal notified her that the Local Superintendent would not recommend renewal of her teaching contract for the 1997-1998 school year because of her excessive absenteeism. Appellant was absent a total of 23 days during the 1996-1997 school year. In March 1997, Appellant was diagnosed as having major depression and her doctor prescribed medication. After starting the medication, Appellant did not miss any school during the remainder of the 1996-1997 school year.

Appellant claims that the evidence does not support a finding that she willfully neglected her duties because she was unable to control her actions while suffering from depression. She claims that her medication has restored control of her actions and the Local Board should accommodate her illness.

Willful neglect of duty involves “a flagrant act or omission, an intentional violation of a known rule or policy, or a continuous course of reprehensible conduct.” *Terry v. Houston County Bd. of Education*, 178 Ga. App. 296, 299, 342 S.E.2d 774 (1986). It was undisputed that Appellant was absent 23 days during the 1996-1997 school year.

Appellant did not seek any accommodation before the Local Superintendent notified her that he would not recommend renewal of her contract. Based upon the evidence presented, and despite Appellant’s claim that she did not have any control over herself the Local Board could find that Appellant intentionally violated its policy regarding teacher absences. The State Board of Education, therefore, concludes that the Local Board’s decision was not arbitrary or capricious.

Our decision here is limited to the record before us and does not reflect an evaluation of the effects of depression and how or whether local boards of education should accommodate it.

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

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

This 14<sup>th</sup> day of January 1999.

Larry Thompson  
Vice Chairman for Appeals

