

STATE BOARD OF EDUCATION

STATE OF GEORGIA

SUSAN STEFFEY,	:	
	:	
Appellant,	:	
	:	CASE NO. 1998-54
vs.	:	
	:	DECISION
FORSYTH COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Susan Steffey (Appellant) from a decision by the Forsyth County Board of Education (Local Board) to demote her from her position as an assistant principal. Appellant claims that the only basis for the Local Board’s decision was its retaliation against her filing a gender discrimination claim against the Local Board. The Local Board’s decision is sustained.

At the beginning of the 1996-1997 school year, Appellant was assigned to the South Forsyth Middle School as an assistant principal. The principal and the other assistant principal were also newly assigned under a program initiated by the new Local Superintendent to give administrators broad-based experience. During the 1996-1997 school year, Appellant did not experience any problems with the principal.

At the beginning of the 1997-1998 school year, the principal reassigned a special education teacher without consulting with Appellant, who was in charge of special education activities in the school. Appellant disagreed with the principal’s decision. In addition, the principal began exercising more stringent supervision after spending the first year getting oriented.

Following the disagreement about the special education teacher, relations between the principal and the assistant principal rapidly deteriorated and became more and more strained to the point where they were only communicating via e-mail. In October 1997, Appellant successfully settled her discrimination claims under Title VII of the Civil Rights Act of 1964 against the Local Board. Around the same time, both Appellant and the principal went to the central office to see if Appellant could be transferred to another school. The central office, however, advised both parties that a transfer was not feasible and that they needed to work out their differences.

Following the central office direction to work things out, the principal wrote a memorandum on November 20, 1997 that set out her expectations from Appellant. The

memorandum was reviewed by the Personnel Director, the Associate Director, and by the Local Board's attorney before it was delivered to Appellant.

Notwithstanding the memorandum, relations continued to remain strained, with Appellant continually questioning the principal's directives. Appellant attempted to involve other staff in the dispute, despite directives to the contrary.

In April 1998, the Local Superintendent informed Appellant that her contract would not be renewed in the coming year. Appellant appealed the decision and a three-member tribunal was appointed to hear the matter. At the conclusion of a six-day hearing, the tribunal found that Appellant had willfully neglected her duties and was insubordinate and recommended a demotion. On August 13, 1998, the Local Board adopted the tribunal's recommendation. Appellant thereafter appealed to the State Board of Education.

Appellant's only basis for appeal is that the Local Board's decision was arbitrary and capricious and resulted from intentional retaliation against her because of the employment discrimination lawsuit. In support of her argument, Appellant claims that the involvement of the Personnel Director, the Associate Director, and the Local Board's attorney in the preparation of the November 20, 1997 memorandum, and the fact that the memorandum was issued shortly after she settled the lawsuit, establishes that she was being retaliated against.

The tribunal found no basis of support for Appellant's claim of retaliation. "Although [the principal] was aware of the existence of the lawsuit, having been informed of its existence by Ms. Steffey, none of the issues in that lawsuit involved [the principal] or her conduct and, hence, [the principal] had no reason to 'retaliate' against Ms. Steffey because of the allegations of that lawsuit. Similarly, the Superintendent was not even employed with the Forsyth County Board of Education at the time of the incidents giving rise to Ms. Steffey's claims in the equal pay - gender discrimination lawsuit against the Forsyth County Board of Education. Simply put, the Hearing Tribunal finds it inconceivable that either [the Superintendent] or [the principal], both females, would have chosen to retaliate against Ms. Steffey because she brought a lawsuit attacking actions of a previous school administration which discriminated against female administrators in the Forsyth County Public Schools. Ms. Steffey offered no evidence to support the alleged connection between the settlement of that lawsuit and the allegations regarding her job performance, other than an alleged temporal connection, and the Hearing Tribunal finds no evidence to support any connection between Ms. Steffey's lawsuit, the settlement thereof, and the criticisms of her job performance giving rise to this hearing. In fact, Ms. Steffey's more brazen and aggressive conduct after the settlement of that lawsuit causes the Hearing Tribunal to believe that she perceived herself to be invincible and beyond discipline as a result of the favorable outcome of that lawsuit." Hearing Tribunal Decision, pp. 11-12 (1998).

“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. 199 1-14 (Ga. SBE, Aug. 8, 1991). Appellant has not shown anything new on appeal that was not addressed by the tribunal. The record contains substantial evidence to show that Appellant willfully challenged the principal throughout the year and failed to carry out directives given to her. The State Board of Education, therefore, concludes that the Local Board’s decision was not made in retaliation against Appellant.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board’s decision was not arbitrary or capricious. Accordingly, the Local Board’s decision is SUSTAINED.

This 8th day of April 1999.

Ms. Brenda Fitzgerald, Mr. J.T. Williams, and Mr. Larry Thompson were absent. The Second District and Sixth District seats are vacant.

Willou Smith
Vice Chair