

STATE BOARD OF EDUCATION

STATE OF GEORGIA

THETHEUS WHITE,	:	
	:	
Appellant,	:	
	:	CASE NO. 1998-59
vs.	:	
	:	DECISION
DOUGHERTY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Thetheus White (Appellant) from a decision by the Dougherty County Board of Education (Local Board) to suspend him without pay for twenty working days after finding that he acted unprofessionally in scheduling a European trip for the band he directed. Appellant claims that the Local Board's decision to suspend him for twenty days should cover only calendar days rather than working days. The Local Board's decision is sustained.

While the following facts are irrelevant to our decision, we recite them as a cautionary tale for anyone who may be involved in the planning of student trips.

During 1997, Appellant, who is the band director at Monroe High School, began planning a 1998 European trip for his students. Each of the students was supposed to pay \$1,800 to cover airfare, ground transportation, and lodging, with the airfare costing \$1,190 per student. Twenty-five people were supposed to make the trip so that the airfare would cost \$29,750. When the time came to pay for the airline tickets, the full \$1,800 had been received from less than 15 people so that Appellant had collected only \$23,350. With some personal funds from another employee, Appellant sent in the entire \$29,750 to pay for the tickets.

Within a few days from when the trip was to begin, it was cancelled. Appellant testified that it was cancelled because his wife had to be hospitalized. The evidence, however, showed that only \$30,950 of the total \$45,000 needed for the trip had been collected. When Appellant attempted to recover the money paid for the airline tickets, he learned that refunds were unavailable. As a result, all of the people who had made their payments lost the full amount they had paid.

The Local Board voted to suspend Appellant for twenty days without pay because he failed to check any references on the person who was acting as a travel agent and because he used the ground transportation and lodging funds paid by some parents to pay

for the airfare of the students who had not paid. The Local Superintendent informed Appellant that he was suspended for twenty working days, from October 8, 1998 through November 4, 1998. Appellant claims that the Local Superintendent incorrectly suspended him for twenty working days because the Local Board's decision should be interpreted as covering only twenty calendar days. Members of the Local Board, however, submitted affidavits that said that it was their intent that Appellant would be suspended for twenty working days.

Appellant cites the decision in *Arrington-Hawkins v. Atlanta City Board of Educ.*, Case No. 1994-65 (Ga. SBE, Mar. 9, 1995) for the proposition that "days" means calendar days and not working days. *Arrington-Hawkins*, however, is inapplicable in the instant case. The decision in *Arrington-Hawkins* involved an interpretation of O.C.G.A. § 20-2-943, not the meaning of a local board decision. In the instant case, the Local Board's decision may have been inartfully stated at the close of the hearing, but the period of time involved does not approach the sixty-calendar-day limit of O.C.G.A. § 20-2-943 and the only question is whether the Local Board meant working days or calendar days. Since the Local Board has submitted affidavits that its members intended the suspension period to cover twenty working days, and twenty working days is within the time permitted by O.C.G.A. § 20-2-943, the Local Superintendent's advice to Appellant was correct.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision is statutorily authorized. Accordingly, the Local Board's decision is SUSTAINED.

The 2nd & 6th Congressional Districts are vacant.

This 11TH day of March 1999.

Larry Thompson
Vice Chairman for Appeals