

STATE BOARD OF EDUCATION

STATE OF GEORGIA

CAROLYN A. WILLIAMS,	:	
	:	
Appellant,	:	
	:	CASE NO. 1998-61
vs.	:	
	:	DECISION
ATLANTA	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Carolyn A. Williams (Appellant) from a decision by the Atlanta Board of Education (Local Board) to terminate her teaching contract because of incompetency, insubordination, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that the evidence does not support the decision and that the decision is too harsh under the circumstances. The Local Board’s decision is sustained.

Appellant taught mathematics for twenty-eight years. The Local Board employed Appellant for ten years. During the 1993-1994 school year, Appellant taught at a middle school. At the end of the school year, Appellant’s principal considered making a recommendation not to renew Appellant’s teaching contract. Instead, however, Appellant was transferred to North Atlanta High School because she argued that she was better suited to teach in a high school.

During the next three years, Appellant received satisfactory ratings. Nevertheless, Appellant’s supervisors expressed concern about her habitual tardiness and the high failure rate in her classes. By October 28, 1994, Appellant was late nine times. Her tardiness continued throughout her tenure at North Atlanta High School. During the 1996-1997 school year, she was placed on a professional development plan to address her tardiness. Nevertheless, although Appellant improved her ability to arrive on time while on the professional development plan, she continued her tardiness pattern. During the period from December 1, 1997 through February 6, 1998, Appellant was late on thirtythree occasions.

While a twenty-five percent failure rate is considered excessive in the Atlanta Public Schools, the failure rate in Appellant’s classes was consistently higher than thirty

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percent. During the second semester of the 1994-1995 school year, the overall failure rate in her

classes was 67.5%. Appellant resisted all offers of assistance with the dismissive assertion that she was a master teacher and did not need any help.

During the 1997-1998 school year, Appellant was observed formally and informally. During an informal observation on September 4, 1997, Appellant's assistant principal observed that only one or two students were able to respond to Appellant's questions and that she did not engage all of the students. In a formal evaluation on October 20, 1997, Appellant received three NI (needs improvement) ratings. Another evaluation was made on December 1, 1997 and Appellant received four NI ratings. Another formal evaluation was made on January 8, 1998 and Appellant received NI ratings in all key areas.

On May 4, 1998, the Local Superintendent notified Appellant that her teaching contract would be terminated because of her high failure rates and chronic tardiness. After three days of hearings, a tribunal found that Appellant was incompetent, insubordinate, and that other good and sufficient causes existed to terminate Appellant's teaching contract. The Local Board voted to terminate her contract on November 12, 1998. Appellant then appealed to the State Board of Education.

Appellant claims that the Local Board failed to carry the burden of proof to show either incompetency or insubordination. She claims that the high failure rates in her classes resulted from the students' high absentee rate. Evidence was introduced by Appellant and the Local Board concerning the correlation between the failure rates and the absentee rates. The tribunal accepted the Local Board's evidence that high failure rates existed in Appellant's classes even when the absence rate was not high. "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)." *RoderickJ v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). Since there was evidence to support the Local Board's decision, the State Board of Education concludes that the Local Board carried its burden of proof to show that Appellant was incompetent and other good and sufficient cause existed to terminate Appellant's teaching contract.

While Appellant admitted that she was frequently tardy, she contended that she could not get to work on time because she lived so far away and was at the mercy of traffic conditions. The Local Board's expectation that its employees begin working on time is not an unreasonable requirement. As the tribunal found, Appellant "had an obligation to uphold the same standards of behavior that she required of her students.

However, [Appellant] consistently failed to improve her tardiness, and only offered excuses for the deficiency.” The State Board of Education concludes that there was evidence to support a finding that there was other good and sufficient cause to terminate Appellant’s contract.

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board carried its burden of proof to support the termination of Appellant’s teaching contract. Accordingly, the Local Board’s decision is SUSTAINED.

This 8th day of April 1999.

Willou Smith
Vice Chair

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

