

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JOE MOORE,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2002-11
	:	
TREUTLEN COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Joe Moore (Appellant) from a decision by the Treutlen County Board of Education (Local Board) not to renew his contract as a middle school principal for the 2000-2001 school year after finding him guilty of incompetence, insubordination, willful neglect of duty, and other good and sufficient causes under the provisions of O.C.G.A. § 20-2-940. Appellant claims the dismissal was based upon racial bias and was not based upon any objective criteria. The Local Board's decision is sustained.

Appellant served as a middle school principal for the Local Board for fifteen years. A new superintendent took office before the 1999-2000 school year. The new superintendent was concerned about lack of profits from the fund raising activities and the sale of concessions in the middle school. In October 1999, the Superintendent met with Appellant to obtain an explanation of why the profits were so modest. Appellant accounted for approximately \$3,086 in profits, but documents from the fund raising company that provided the merchandise that was sold established that the profits should have been \$9,074, with an additional \$1,500 from bonuses and credits, or a total of \$10,574. Appellant was unable to satisfactorily explain what caused the \$7,488 difference.

In addition to the fund raising activities, an independent review was made of the concession sales over a four year period. Based upon the review, it was established that the middle school should have earned approximately \$32,332, but only \$11,919 was reported. Again, there was no satisfactory explanation for the difference.

In addition, an incident of suspected child abuse was reported to Appellant in the fall of 1999, but Appellant did not further report the incident. The Local Board has a policy that requires all suspected child abuse cases to be referred to the school systems attendance worker. During the hearing, evidence was presented that Appellant previously had failed to make reports of two instances of child abuse and the then Local Superintendent warned him that he was not to investigate suspected child abuse, but,

instead, was required to merely report the instance. Evidence was also presented that instructions were given to all principals at the beginning of the year on how to report cases of suspected child abuse.

"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. 1991-14 (Ga. SBE, Aug. 8, 1991). Appellant claims that his dismissal was based upon racial bias because, based upon his race and background, he did not suspect there was any child abuse. He also claims that an objective criteria did not exist to judge his performance. Appellant's perception of whether there was child abuse was not the issue before the Local Board. The issue was whether there was suspected child abuse and whether it was reported to the attendance officer. The teachers suspected child abuse and reported to Appellant, who failed to report to the attendance officer although he had been instructed to relay such reports to the attendance officer without making any independent investigation or evaluation. Appellant failed to show any evidence that race was an issue. There was evidence before the Local Board that showed that Appellant failed to report the instances of child abuse after being warned to make reports, thus supporting the Local Board's finding of willful neglect of duty, insubordination, and other good and sufficient cause. In addition, there was evidence that Appellant failed in his responsibility to account for the funds raised by the fund raising activities and the concession sales.

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 and Appellant has not shown that the Local Board's decision was arbitrary or capricious or based upon any racial bias. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of November 2001.

Bruce Jackson
Vice Chairman for Appeals