

STATE BOARD OF EDUCATION

STATE OF GEORGIA

BETTY DINKINS,	:	
	:	
Appellant,	:	CASE NO. 2010-28
	:	
vs.	:	
	:	
ATLANTA CITY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by Betty Dinkins (Appellant) from a decision by the Atlanta Board of Education (Local Board) not to renew her contract for the 2009-2010 school year because of incompetence, willful neglect of duties, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that there was no evidence to support the Local Board's decision. The Local Board's decision is sustained.

The Local Board employed Appellant as a media specialist and for the past eight years, she has worked at a high school. On October 22, 2008, Appellant was placed on a Professional Development Plan (PDP) that required her to adhere to the school system's attendance policy, to attend scheduled meetings, to submit monthly reports regarding the media center of her school, and to cull obsolete materials from the media center.

Before April 15, 2009, the Local Superintendent informed Appellant that her contract would not be renewed because of charges of insubordination, willful neglect of duty, and other good and sufficient cause.¹ A hearing was conducted before a three-member tribunal and the school system presented evidence that Appellant: (1) failed to prepare monthly reports, (2) failed to attend required meetings, (3) swore in front of students and staff in the main office on two occasions, (4) failed to dispose of obsolete materials from the media center, and (5) took an extra hour to return to campus after a training session. The tribunal made findings of fact and recommended against renewing Appellant's contract because of insubordination, willful neglect of duty, and other good and sufficient cause. The Local Board adopted the tribunal's findings and recommendation. Appellant then appealed to the State Board of Education.

Appellant claims that there was no evidence to support the charge of willful neglect of duty. Willful neglect of duty requires "a flagrant act or omission, an intentional violation of a known rule or policy, or a continuous course of reprehensible conduct.

¹ The Local Superintendent added other charges with these three charges, but only these three charges are among those permitted under O.C.G.A. § 20-2-940(a).

Under either of these interpretations, 'willfulness' requires a showing of more than mere negligence." *Terry v. Houston Cnty. Bd. Of Educ.*, 178 Ga. App. 296, 299, 342 S.E2D 774, 776 (1986).

"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).

In the instant case, the tribunal found that Appellant (1) failed and refused to file monthly reports; (2) failed and refused to maintain professional relationships with other personnel; (3) failed and refused to obey the Local Board's attendance policies because she did not return to campus immediately after a training session, and (4) failed and refused to conduct media center activities and training as required. There was evidence in the record that Appellant did not file the monthly reports, that she swore in front of other employees and students, and that she failed to attend training sessions that she was directed to attend. The tribunal found that Appellant intentionally violated known rules and policies of the Local Board. Although Appellant presented reasons for her actions, the tribunal did not find them convincing and concluded that her actions constituted willful neglect of duty. The State Board of Education, as an appellate body, cannot go behind the tribunal's findings and there is some evidence to support the findings.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision based upon willful neglect of duty. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of January 2010.

William Bradley Bryant
Vice Chairman for Appeals