

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>AMY DURHAM,</b>	:	
	:	
<b>Appellant,</b>	:	<b>CASE NO. 2011-35</b>
	:	
<b>vs.</b>	:	
	:	
<b>PAULDING COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

This is an appeal by Amy Durham (Appellant) from a decision by the Paulding County Board of Education (Local Board) to terminate her contract as a principal because of insubordination, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that there was no evidence of insubordination and there was no nexus between her out-of-school activities and her ability to serve as a principal. The Local Board's decision is SUSTAINED.

Appellant served as a principal for the Local Board. On or about October 3, 2010, the ex-wife of Appellant's fiancé called the school system and complained that Appellant was harassing her by calling her and sending text messages to her. The school system investigated and learned that Appellant had made multiple calls to the ex-wife and had sent many text messages. The school system also learned that all of the telephone calls and text messages were made during non-school hours.

While conducting the investigation concerning the telephone calls and text messages, the school system learned that Appellant had sent a text message to one of her teachers in which she said, "They are going to have y'all complete a survey about me after the break." During the previous summer months, a complaint had been filed against Appellant with the Professional Standards Commission (PSC).<sup>1</sup> Although the PSC complaint was dismissed, the school system decided to conduct a survey of Appellant's teachers to determine how the faculty thought Appellant communicated with them. Appellant was told that the survey was to be conducted. Appellant was also directed not to "discuss" the survey with anyone until she was given permission to discuss it.

---

<sup>1</sup> The PSC complaint was not filed by the Paulding County school administration and, apparently (there is nothing in the record regarding official action by the PSC), the PSC did not take any action regarding the complaint.

The Local Superintendent charged Appellant with insubordination, willful neglect of duty, and other good and sufficient cause because she violated Standard 10 of the PSC's Code of Ethics for Educators. Standard 10 provides:

An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession. Unethical conduct includes but is not limited to any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position, or behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

*Ga. R. & Regs. § 505-6-.01(3)(j)(2010).*

Appellant requested a hearing on the charges. The Local Board held a hearing on November 5, 2010. At the conclusion of the hearing, the Local Board voted to terminate Appellant's contract based upon insubordination, willful neglect of duty and a violation of Standard 10 of the Code of Ethics for Educators. The Local Board found that there was insufficient evidence to support the "other good and sufficient cause" charge. Appellant then filed an appeal with the State Board of Education.

Appellant claims that there was no evidence to support the findings by the Local Board. Appellant also claims that the Local Board does not have the authority to decide whether there was a violation of Standard 10 since only the PSC has that authority. Additionally, Appellant claims that since the Local Board found there was no evidence to support the "other good and sufficient cause" charge, there was nothing to support a violation of Standard 10, which can only come under "other good and sufficient cause".

"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, *Ransom 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).

The Local Board argues that Appellant was given a clear directive not to discuss a survey that would be given to her faculty, but she was insubordinate because she told one teacher that a survey would be conducted. Appellant claimed during the hearing that she understood the directive to mean that she was not to lobby for positive responses among her teachers. Appellant testified that she did not think the fact that there was going to be a survey was a secret when she sent the message to the teacher. There was evidence that Appellant informed one of her teachers that there would be a survey despite being giving instructions not to discuss the survey. Based upon the "any evidence" rule, we find that the Local Board's finding that Appellant was insubordinate is supported by the evidence.

Because we find that there was evidence to support the Local Board's decision that Appellant was insubordinate, we find that there is no need to address any of the other issues raised by Appellant.

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 a finding that Appellant was insubordinate. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of April 2010.

---

MARY SUE MURRAY  
VICE CHAIR FOR APPEALS