

STATE BOARD OF EDUCATION

STATE OF GEORGIA

FELITA FRANKLIN-NEWSOME,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2011-51
	:	
CLAYTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal from a decision by the Clayton County Board of Education (Local Board) to terminate the employment of Felita Franklin-Newsome (Appellant) as lead counselor at Mount Zion High School because of incompetency, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940 following charges that she improperly enrolled an out-of-district student in the school, which resulted in the football team having to forfeit its wins. Appellant claims that the facts do not support the Local Board’s decision. The Local Board’s decision is **SUSTAINED**.

At a hearing before a tribunal, evidence was presented that on August 9, 2010, Appellant created a new record for the out-of-district student and entered an address of 687 Linda Way, Jonesboro, Georgia, but the computer system generated an out-of-district message, which was overridden.¹ Ten minutes later, the out-of-district student’s record was changed to show that he was living on Medina Drive at an address that belonged to one of the school football coaches, although the coach was not the legal guardian of the out-of-district student.

Appellant claimed that on August 9, 2010, she was the only counselor available to check in students and, as a result, she had two computers opened and was asking anyone who was available to assist her in enrolling the students. Appellant, however, admitted that she was the one who enrolled the out-of-district student. Appellant testified that she entered the Linda Way address, that an out-of-district message did not appear, that she did not override the system, and did not change the student’s address to the Medina Drive address.

Each time a student’s record is accessed or changed, a computer record is generated that shows the state of the record before a change is made and the state of the record after the change is made. The record shows the date, time, and the computer user who initiates the change. The computer records entered into evidence showed that the Medina Drive address was in the system until October 17, 2010, a Sunday, when it was changed back to the 687 Linda Way address with

¹ 687 Linda Way is located in Forest Park, Georgia, which is served by the Forest Park High School.

Appellant's login. The records show that the 687 Linda Way address was in the system on October 20, 2010, when the student was withdrawn from the school system by Appellant upon the direction of her principal.² The records show that on October 26, 2010, the student was re-enrolled with the Medina Drive address with Appellant's secretary being listed as the user. Appellant's secretary, however, claimed that she did not re-enroll the student, but she saw Appellant at her computer on two occasions.

Appellant testified that the computer records were wrong. Appellant testified that she entered the Linda Way address into the system on August 9, 2010, that an error message was not generated, and she did not change the address thereafter until October 17, 2010, when she accessed the computer system from home. She testified that on October 17, 2010, she was told that the student was living at the Medina Drive address and she went into the system to check if it was a valid address. She claimed that she immediately changed the address back to the Linda Way address. As pointed out above, the records, however, show that the Medina Drive address was already in the computer and that Appellant changed it from Medina Drive to the Linda Way address. Appellant also testified that she did not re-enroll the out-of-district student on October 26, 2010, after withdrawing him on October 18, 2010, and that she never used her secretary's computer since hers was just across the hall and there was no need to use her secretary's computer.

"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). While Appellant claims there is no evidence to support the claim that she made the changes, the computer records entered into evidence tell a different story than the one Appellant claims. An expert witness testified that in working with the computer system for fifteen years, she had never heard a complaint about a system error that permitted an erroneous entry being made without notifying the user and requiring an override, or the failure to generate a record when the system was accessed. Appellant claimed that the Linda Way address was the one in the system on October 17 when she checked it, but the records show that the Medina Drive address was in the system and Appellant changed it to the Linda Way address; there was no record that a change was made from Linda Way to Medina Drive and then back to Linda Way.

It is immaterial whether Appellant re-enrolled the student on October 26, 2010, or if it was her secretary or some other person; the initial enrollment of the student was improper. Although there does not appear to have been any motive for Appellant to change the address when the student was initially enrolled, the failure to follow accepted procedures resulted in a major loss for the school.

² The principal had received information that the student was and out-of-district student who should not have been enrolled in the school.

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 decision of the Local Board. Accordingly, the Local Board's decision is **SUSTAINED**.

This _____ day of May 2011.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS