

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JULIA HOLLINS,	:	
	:	
Appellant,	:	CASE NO. 2011-71
	:	
vs.	:	
	:	
COBB COUNTY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by Julia Hollins (Appellant) from a decision by the Cobb County Board of Education (Local Board) not to renew her teaching contract because of insubordination, incompetency, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that the Local Board's decision should be reversed because a hearing was not held within ten working days after she was suspended. The Local Board’s decision is **SUSTAINED**.

This is the second appearance of this case. In the first case,¹ the State Board of Education reversed the Local Board’s decision because findings of fact had not been entered. The case was remanded to the Local Board for the entry of findings of fact. The record showed that on March 16, 2009, Appellant was removed from the classroom and sent home with pay. The school system characterized the action as an administrative leave with pay. On March 26, 2009, the Local Superintendent informed Appellant that her contract would not be renewed because of insubordination, incompetency, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant asked for a hearing on the non-renewal of her contract and the hearing was held on August 7, 2009, and September 16, 2009. At the start of the hearing, Appellant, for the first time, raised the issue that she had not been given a hearing within ten days after being sent home.² After a hearing, the Local Board decided not to renew Appellant’s contract and she appealed to the State Board of Education. One of the grounds for Appellant’s first appeal was the fact that the Local Board failed to grant her a hearing when she was removed from the classroom. In the first appeal, the State Board of Education decided against Appellant on this issue on the grounds that Appellant had waived her right to a hearing under O.C.G.A. § 20-2-940(g) by failing to raise the issue until the hearing on her non-renewal began.

¹ *Hollins v. Cobb Cnty. Bd. of Educ.*, Case No. 2010-31 (Ga. SBE, Jan. 14, 2010).

² O.C.G.A. § 20-2-940(g) requires a local board to hold a hearing within 10 days after a teacher has been temporarily relieved from duty.

Appellant appealed the State Board of Education's first decision to the superior court of Cobb County. On September 20, 2010, the Court ruled that the Local Board was not required to hold a hearing because she was placed on administrative leave and upheld the Local Board's decision not to renew Appellant's teaching contract. The Court also subsequently denied Appellant's motion for reconsideration on February 11, 2011.³

In the meanwhile, the Local Board moved ahead and, as directed by the State Board of Education, obtained findings of fact from the tribunal and, on January 28, 2010, re-entered its decision not to renew Appellant's teaching contract. Appellant filed a notice of appeal to the State Board of Education on February 17, 2010.⁴

In this second appeal, Appellant again raises the same issue she raised in the first appeal and in her appeal to the superior court, i.e., that she was denied due process because she was not given a hearing within ten days after she was removed from her classroom duties. As previously stated, in the first appeal the State Board of Education decided against Appellant on this issue on the basis that Appellant failed to take any action until the hearing on her non-renewal. The superior court also decided against Appellant on this issue on the grounds that Appellant was not entitled to a hearing when she was removed from the classroom because local boards of education have the right to assign and re-assign teachers to different duties. Since the issue has been addressed, the State Board of Education cannot go back and revisit the issue.

Appellant now claims that the State Board of Education's first decision overlooked the fact that she requested hearings on two occasions when she was notified that she was going to be temporarily suspended. In January 2009, Appellant's principal recommended a one-day suspension without pay. Appellant requested a hearing, but before a hearing was scheduled, Appellant's principal recommended a three-day suspension without pay. Appellant again asked for a hearing. A hearing was scheduled, but the recommendations were withdrawn or not acted upon and Appellant was not suspended without pay.

Although Appellant claims that the State Board of Education overlooked the fact that she twice asked for hearings, Appellant's focus is misdirected. Appellant requested hearings regarding her temporary suspensions without pay. The Local Board responded to Appellant's requests by scheduling hearings, but decided against proceeding with the suspensions. The holding of hearings on the temporary suspensions without pay thus became a moot issue. Appellant's requests for a hearing regarding the temporary suspensions without pay had nothing to do with her later being placed on administrative

³ There is no indication in the record that Appellant filed a subsequent appeal to the Court of Appeals.

⁴ The parties did not address, and there is nothing in the record that provides clarity, why the appeal was not sent to the State Board of Education until June 2011, almost a year and a half after the appeal was filed and five months after the superior court denied the motion for reconsideration.

leave and certainly did not amount to a request for a hearing regarding her placement on administrative leave, which occurred after she had made the initial requests for a hearing.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that Appellant has not raised any issue that has not already been addressed and the decision of the Local Board was supported by the evidence. Accordingly, the Local Board's decision is **SUSTAINED**.

This 8th day of September 2011.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS