

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

WELELA FELEKE,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 2012-05
	:	
FULTON COUNTY BOARD OF EDUCATION,	:	DECISION
	:	
	:	
Appellee.	:	

This is an appeal by Welela Feleke from a decision by the Fulton County Board of Education (“Local Board”) to non-renew her employment contract on the grounds of insubordination, willful neglect of duty, and other good and sufficient cause. On appeal, Appellant contends that the charges are not supported by the evidence. For the reasons set forth below, the decision of the Local Board is **SUSTAINED**.

I. PROCEDURAL BACKGROUND

On or about May 31, 2011, Appellant was notified that her annual contract for the 2010-2011 school year was being recommended for non-renewal. Appellant appealed the non-renewal of her employment contract. The Local Board provided the Appellant a hearing before a tribunal with the opportunity to present evidence. After hearing the evidence, the tribunal recommended the non-renewal of Appellant’s employment contract. The Local Board adopted the decision of the tribunal. Appellant has appealed the decision of the Local Board to the State Board of Education (“State Board”).

II. FACTUAL BACKGROUND

Appellant was a French teacher at Westlake High School where she taught for ten (10) years. In April of 2011, the Assistant Principal received a student complaint regarding her grades and ungraded work in Appellant’s class. The Assistant Principal reviewed other student grade records from Appellant’s classroom. The Assistant Principal found that most of the papers in the student files were not graded, and others only had a check mark. Upon questioning by the Assistant Principal, the Appellant admitted that she had not graded completed assignments, and had not recorded a significant number of grades for the entire semester, which had begun in January.

Following the meeting, the Assistant Principal issued the Appellant a letter of direction to grade and input all remaining assignments for all students in Appellant's classes. Appellant completed the grading for all of her students over the weekend following the meeting. The following week, the Assistant Principal reviewed the grades and noticed that some of the new grades were not consistent with earlier grades and check marks. The Assistant Principal was also concerned that there were a large number of 100 grades given. The Assistant Principal in comparing the old grades and the new grades found inconsistencies, non-intelligible grading, and inexplicable changes.

In addition, the Interim Principal also issued Appellant a letter of concern regarding students not being monitored, remediated, and prepared for the County Common Assessment. The Common Assessment is based upon the State Standards which teachers are required to teach. Appellant's classroom scored poorly on the Common Assessment exam. In one class, French II Honors, the class average on the exam was 54.91429. Appellant admits that what she taught in class is completely different than what is on the Common Assessment.

III. ERRORS ASSERTED ON APPEAL

A. Record Evidence.

The State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision of the Local Board, unless there is an abuse of discretion or the decision is arbitrary and capricious as to be illegal. See Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 1976). On appeal, Appellant contends that her actions do not rise to the level of insubordination, willful neglect of duty, or other good and sufficient cause.

In support of her appeal, Appellant relies upon several decisions¹ by this Board. However, this Board does not find these decisions applicable to this case, other than Nicolls v. DeKalb County Bd. of Educ., Case No. 2002-35 (Ga. SBE, July 2002). In Nicolls, this Board upheld the termination of the educator for failure to properly assign grades. For the reasons set forth below, this Board finds that the Local Board's decision on the grounds of insubordination, willful neglect of duty and other good and sufficient cause is supported by the record.

"[I]nsubordination" requires that an educator refuse to follow the command of a superior. See Goode v. Atlanta City Bd. of Educ., 2005-07 (Ga. SBE, Jan. 2005). A "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. . . . '[W]illfulness' requires a showing of more than mere negligence." Terry v. Houston County Bd. of Educ., 178 Ga. App. 296, 342 S.E.2d 774

¹ West v. Habersham County Bd. of Educ., Case No. 1986-53 (Ga. SBE, Jan. 1987); Main v. Greene County Bd. of Educ., Case No. 1991-9 (Ga. SBE, April 1991); Snowberger v. Bacon County Bd. of Educ., Case No. 1993-17 (Ga. SBE, July 1993).

(1986). However, willful neglect of duties exists if Appellant knew, or should have known, what her obligations were pursuant to the Local Board's policy. See Clemmons v. Chattooga County Bd. of Educ., Case No. 1998-27 (Ga. SBE, Sep. 1998); see also Maria Beal-Parker v. DeKalb County Bd. of Educ., Case No. 2008-17 (Ga. SBE, Feb. 2008); Mahone v. Clayton County Bd. of Educ., Case No. 2010-77 (Ga. SBE, July 2010). Furthermore, this Board has held that "good and sufficient cause" "must be construed consistently with the other grounds for discipline contained in the Fair Dismissal Act." See Beale-Parker v. DeKalb County Bd. of Educ., Case No. 2008-17 (Ga. SBE, Feb. 2008).

In this case, it is undisputed that Appellant knew she was responsible for properly maintaining and accurately recording grades. Moreover, properly maintaining and accurately recording grades is an inherent duty of an educator. The record before this Board shows that Appellant failed to timely and properly maintain her grades. The record further shows that once the Assistant Principal questioned the Appellant, she admitted that she had not graded completed assignments, and had not recorded a significant number of grades for the entire semester, which began in January.

Following the meeting, the Assistant Principal issued the Appellant a letter of direction to grade and input all remaining assignments for all students in Appellant's classes. Appellant completed the grading for all of her students over the weekend following the meeting. The following week, the Assistant Principal reviewed the grades and noticed that some of the new grades were not consistent with earlier grades and check marks. The Assistant Principal was also concerned that there were a large number of 100 grades given. The Assistant Principal in comparing the old grades and the new grades found inconsistencies, non-intelligible grading, and inexplicable changes.

Thus, the record contains sufficient evidence showing that after Appellant failed to properly maintain and record grades. Appellant has failed to identify any evidence showing that her conduct was mere negligence. On the other hand, the Local Board has offered evidence showing that Appellant failed to properly maintain and record grades. These actions are intentional and willful actions by Appellant. Therefore, the record contains sufficient evidence to support the decision of the Local Board.

IV. CONCLUSION

Based upon the reasons set forth above, it is the opinion of the State Board of Education that the evidence supports the decision of the Local Board and it is, therefore, **SUSTAINED**.

This ___ day of November 2011.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS