

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ANDREA STEINACKER,)
)
 Appellant)
)
 VS.) Case No. 1975-16
)
 BOARD OF EDUCATION,)
 SOCIAL CIRCLE PUBLIC SCHOOLS,)
)
 Appellee)

After several weeks of teaching in her first year in the Social Circle School System, Mrs. Andrea Steinacker was notified by the Superintendent of Schools, Mr. Clinton J. Taylor, that he was suspending her from her teaching position pending a hearing, the suspension being brought upon charges by him of willful neglect of duty and insubordination. As scheduled, on October 30, 1975, the hearing took place and Mrs. Steinacker was present but she was not represented by an attorney, nor was the attorney for the Board of Education present at the hearing. Following the hearing, the Board voted (one dissenting and one abstaining) to make permanent the suspension and thereupon Mrs. Steinacker filed her Notice of Appeal to the State Board of Education. For the appeal, both Mrs. Steinacker and the Board of Education were represented by legal counsel.

Two basic issues were raised by the Appellant: 1) Whether she was afforded a fair and impartial hearing alleging that the Superintendent acted somewhat in the capacity of a prosecutor and was present with the Board of Education during their deliberation. 2) Whether the evidence presented at the hearing supported the decision reached by the local board.

Briefs were prepared by counsel and orally argued before the State Board of Education. While we do not decide the questions raised by the Appellant, we do express the opinion that it is not good practice to permit the person bringing the charges into the room where private deliberation of the Board is taking place.

The issues presented cannot be decided in this case at this time, however, for essential to the determination of this case (as in most cases on appeal) is an accurate transcript of the evidentiary hearing before the local board of education. And we emphasize accurate transcript. Neither the Fair Dismissal Act (1975 Ga. Laws) nor the rules of the State Board of Education requires a transcript to be prepared

by an official court reporter, but what is required is some means of transcription necessary to reproduce accurately and completely the evidence, testimony and facts before the local board at the hearing.

In this case, on page 11 of the transcript, right in the middle of the testimony of Mr. J. B. Blackshear, the High School Principal, the transcriber writes, "NOTE - SIDE TWO OF THIS HEARING DID NOT TAPE, EITHER DUE TO FAULTY TAPE, OR DEVICE BEING USED. Side Three begins with Mrs. Steinacker testifying . . ." On page 31 of the transcript, there is another indication of malfunction of the recorder and missing transcription, although this language is marked through. The marking only adds to the uncertainty of accurate transcription. The certificate at the end of the transcript reads as follows:

"I, Amanda Gordon, Notary Public, do hereby certify that I typed said transcript, and not having acted in my capacity as a court reporter and reported said hearing I can only certify that this transcript to be true and correct to the best of my knowledge and belief, only to the effect of transcribing tapes given to me by Mr. Clinton Taylor, Superintendent, Social Circle School System.

Witness, my official hand and seal, this the 19th day of November, 1975.

s/ Amanda S. Gordon
AMANDA GORDON, Notary Public"

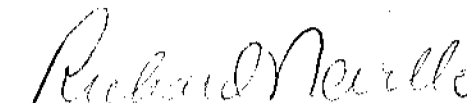
Without deciding this case or the issues presented, we hold that the Social Circle Board of Education must afford Mrs. Steinacker another hearing and in so doing observe all due process formality and that an accurate transcript of those proceedings be prepared. After that hearing, the Appellant may appeal to the State Board of Education.

An additional comment on transcripts in general as prepared by local boards of education. On a scale of one to ten, the quality of transcripts we receive for review range from one to ten. At the present time, the State Board of Education is not requiring official court reporters to be used at local board hearings, for we realize court reporters are professionals and their work product is expensive. However, a good written record, accurately prepared, is absolutely necessary and that obligation falls squarely on the local boards of education. Generally speaking, more care should be given by local boards of education to recording the hearing and preparing the transcript. Rights of teachers to employment, or rights of students to remain in school, or any other

issue important enough to require a hearing and important enough to be
appealed to the State Board of Education, are important enough to merit
quality transcripts of the proceedings.

By all members of the State Board of Education.

This the 11th day of March, 1976.



Richard Neville
Vice-Chairman for Appeals