

STATE BOARD OF EDUCATION  
STATE OF GEORGIA


GEORGE R. HUNTER,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1977-12
	:	
EFFINGHAM COUNTY BOARD OF	:	
EDUCATION,	:	
	:	
Appellee.	:	

O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the decision herein of the Effingham County Board of Education to not renew the contract of Appellant, George R. Hunter, be, and is hereby, affirmed.

This 18<sup>th</sup> day of October, 1977.

  
THOMAS K. VANN, JR.  
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

GEORGE R. HUNTER,	:	CASE NO. 1977-12
	:	
Appellant,	:	
	:	
vs.	:	
	:	
EFFINGHAM COUNTY BOARD OF	:	REPORT OF
EDUCATION,	:	HEARING OFFICER
	:	
Appellee.	:	

PART I

SUMMARY OF APPEAL

On June 22, 1977, the Effingham County Board of Education (hereinafter "Local Board") voted not to renew the contract of George R. Hunter (hereinafter "Appellant") for the 1977-78 school year on the grounds of incompetency, wilful neglect of duties, and insubordination. Appellant had served as assistant principal in the Effingham County High School for the immediately preceding seven years and had been employed by the Local Board for approximately fifteen years.

Written notification was given to Appellant on March 18, 1977, of the tentative decision not to renew his

contract. This notice was supplemented with a list of the charges and the witnesses sent to Appellant in a letter dated March 22, 1977. The Local Board then asked the Professional Practices Commission to conduct the hearing requested by Appellant. The hearing was held on April 27, 1977.

The Professional Practices Commission found against Appellant on nine different charges and recommended that Appellant's contract as an assistant principal not be renewed for the 1977-78 school year. The Local Board accepted this recommendation and Appellant has appealed the decision of the Local Board to the State Board of Education on the grounds that (1) the decision was not supported by the evidence; (2) the decision was arbitrary and capricious, and (3) the charges did not constitute good and sufficient cause under Ga. Code Ann. §32-2101c.

## PART II

### FINDINGS OF FACT

The Professional Practices Commission found against Appellant on the following charges:

"1. Incompetency

\* \* \* \*

"b. Lack of sufficient leadership and administrative skills:

\* \* \* \*

"(2) Stay in office most of the time when normal duties do not require this.

"(3) Poor planning in assigning and administering student lockers, one of your assigned duties.

"(4) Poor planning in issuing and administering student parking and smoking permits, one of your assigned duties.

\* \* \* \*  
\* \* \* \*  
\* \* \* \*

"(8) Lack of initiative.

"(9) Lack of concern (indifference).

\* \* \* \*  
\* \* \* \*

"(12) Inability to coordinate the Southern Association of College and Schools Accreditation Evaluation.

"c. Lacks sufficient communication skills.

"(1) Unable to converse or communicate adequately.

\* \* \* \*

"2. Insubordination

\* \* \* \*

"(b) Failure to change 'Incomplete' to earned grade when ordered to do so.

"3. Wilful neglect of duties.

\* \* \* \*  
\* \* \* \*  
\* \* \* \*

"(d) Failure to discipline students or report them for discipline for breaking school rules personally observed by you, such as cutting classes."

The Professional Practices Commission tribunal determined that there was insufficient evidence to support the other charges made against Appellant.

Appellant had been under contract with the Local Board for more than three years. He was notified in writing before April 15, 1977 that his contract would not be renewed for the next school term. The hearing on the charges was held by the Professional Practices Commission on April 27 and 28, 1977. By agreement of counsel, the final decision of the Local Board was given on June 22, 1977.

This particular case involved substantial testimony, many different factual circumstances, and numerous charges. The separate findings of the hearing

examiner were also quite detailed. Because of these factors, the discussion of the charges is separated into major sections which generally follow the report of the hearing examiner and the briefs of the parties.

A.

The Professional Practices Commission hearing examiner found that Appellant spent too much time in his office and his door was normally closed when he was in the office, and even locked on many occasions. This finding was supported by testimony of two other former administrators in the high school -- a principal and an assistant principal. These witnesses testified that Appellant spent ninety per cent (90%) of his time in the office when his duties did not require that much time and when he was expected, as part of the administration, to circulate around the school building and grounds.

Appellant has attacked the finding of the hearing examiner on the grounds that the evidence did not support the finding. The thrust of Appellant's argument is to attack the credibility of the witnesses by pointing to the circumstances. There was, nevertheless, evidence to support the finding by the hearing examiner that Appellant spent too much time in his office.

B.

The hearing examiner also found that Appellant had used poor planning in assigning and administering student lockers. The evidence disclosed that Appellant was given the duty of assigning lockers to the students for the 1976-77 school year and in so doing, he instituted a new plan. In performing the assignment, Appellant assigned lockers to homerooms. Because there were not enough lockers in the school, two homerooms did not receive any locker assignments and Appellant told the two homeroom teachers to have the students find lockers with other students and report which lockers they were sharing. As a result, the lockers of the students were not near their homerooms.

Appellant attacks the finding of the hearing examiner on the grounds that the evidence does not disclose that the new plan created any problems and that the method "seems to be as acceptable as any other and certainly does not illustrate administrative incompetence." The record, however, discloses that the method of assigning lockers to the students did result in some students having lockers at a distance from their homerooms, and that the burden of insufficient lockers was shifted to two homeroom teachers and the students.

C.

The hearing examiner additionally found that Appellant also changed the method of issuing student parking permits. It was necessary for each parking permit to be numbered, but it was found that the numbering system was not communicated adequately enough so that all of the teachers could understand the system. Additionally, part of the workload of issuing the permits was assumed by the school secretary.

Appellant argues that the evidence did not support the conclusion that there was a failure to communicate the numbering system because one teacher did understand the system. There is, however, evidence in the record which supports the finding that the numbering system was not adequately communicated to the teachers, notwithstanding the fact that one teacher did understand the system. There is also evidence that Appellant assigned an equal number of permits to all grades, notwithstanding the fact that a larger percentage of the seniors drove cars than the percentage of ninth graders.

D.

Appellant was given the responsibility of beginning work on the Southern Association of College and



Schools Accreditation Evaluation during the spring of 1974. Also, during 1975, Appellant was given the responsibility of implementing the recommendations made by a reviewing group of the Professional Practices Commission. The hearing examiner found that Appellant did not perform the duties assigned for the Southern Association of College and Schools Accreditation Evaluation. During the period following his assignment through December, 1974, Appellant did not exercise any initiative or leadership to assure that the work on the Evaluation would continue even though a new principal came to the school during the fall of 1974. Appellant did not take the initiative to procure from other sources what data was needed so that preparatory work could be underway in a substantial manner, nor did he determine what type of time table each person would have to fulfill in order to complete the task timely. The hearing examiner found that the lack of initiative and leadership caused the delay in the report to be filed. With respect to the review by the Professional Practices Commission, the hearing examiner found that Appellant did not exercise any initiative in order to obtain a

copy of the recommendations of the Professional Practices Commission, although he knew the report was forthcoming.

Appellant takes the position that while he was assigned the duty of preparing for the Southern Association of Colleges and Schools Accreditation Evaluation during the spring of 1974, he was not given any guidance. Then, in the fall of 1974, he was given a list of duties by the new principal which did not include the duty of preparing for the Evaluation. It is also Appellant's position that the responsibility for the Evaluation rested with the principal. As for the review by the Professional Practices Commission, there was no duty imposed on Appellant to seek out the report and institute the recommendations of the Commission.

There was evidence to indicate that Appellant did not exercise any initiative in order to have the materials ready for the Southern Association of Colleges and Schools Accreditation Evaluation. Additionally, Appellant did not make any attempt to determine what were the recommendations of the Professional Practices Commission. There was conflicting testimony on whether Appellant received a copy of the recommendations of the Professional Practices Commission, but the evidence

is clear that Appellant was aware a report had been made, was aware of his responsibility, and did not exercise any initiative to obtain a copy of the report.

E.

The hearing examiner found that Appellant lacked sufficient communication skills in that as an administrator he failed to communicate effectively his programs and instructions. This was evidenced from the fact that if the assignment of lockers and parking permits had been properly communicated, the teachers would have known what was to be done and the programs carried out. Instead, the execution of the programs evidenced poor planning and a lack of communication.

Appellant argues that the evidence does not support a finding of poor planning, nor does it support a finding that the programs were ineffectively communicated to the teachers. Appellant supports his argument by pointing out that only one teacher testified to not understanding the method of assigning parking permits, while the plan for assigning lockers did not evidence poor planning. While these factors are noteworthy in the deliberations of the hearing tribunal, the totality of the evidence supports the finding by the hearing examiner

that Appellant lacked the ability to communicate his programs effectively.

F.

During the 1976-77 school year, the principal asked Appellant to change the grade of a student from an "incomplete" to a grade the child had earned. The hearing examiner found that the principal had to eventually make the change himself after asking Appellant. The transcript discloses that the principal asked Appellant to change the grade on two occasions during a three week period and received assurances from Appellant on each occasion that the change would be made. After six weeks had passed, the change still had not been made and the principal had to change the incomplete grade to a letter grade. The hearing examiner also found that Appellant did not offer any adequate explanation as to why the task was not completed.

G.

The hearing examiner found that Appellant had the responsibility of reporting students he observed breaking the school rules, and that Appellant did not make such reports. Additionally, the hearing examiner found that

Appellant did not follow the system established for reporting students who cut classes to the principal. There was conflicting testimony on these points, but there is evidence in the record which supports the findings of the hearing examiner.

### PART III

#### CONCLUSIONS OF LAW

The reasons for non-renewing Appellant's contract were incompetency, insubordination, and wilful neglect of duties. Of the charges which the Professional Practices Commission found against Appellant, seven related to incompetency, one related to insubordination, and one related to wilful neglect of duties. These reasons for non-renewal are all set forth in Ga. Code Ann. §32-2101c and are grounds for non-renewal.

All of the notice provisions required by statute were complied with by the Local Board.

The State Board of Education follows the "any evidence" rule on review and will not disturb the findings of a local board if there is any evidence to support such findings and there has not been any showing of an abuse

of discretion. Antone v. Greene County Bd. of Educ., Case No. 1976-11. There was evidence from which the Professional Practices Commission and the Local Board could find that Appellant was incompetent, insubordinate, and wilfully neglected his duties.

Appellant argues that the findings are not legally sufficient to justify non-renewal. This argument could possibly have some weight if any single incident had been the sole basis for the non-renewal. In this instance, however, the numerous charges proven against Appellant establish that the reasons for non-renewal were legally sufficient.

Appellant has also raised the issue that the evidence was insufficient to establish that there was any insubordination or that there was any wilful neglect of duty. The insubordination charge arose from the failure to change the grade of a student from incomplete to an earned grade. The argument is made that insubordination requires a wilful, unjustified refusal or failure to do something and that Appellant may have simply forgotten to change the grade. Again, the record discloses evidence from which the hearing examiner could find that there was an unjustified failure to change the grade. Insubordination


may be tacit as well as expressed. Similarly, there was evidence that Appellant did not attempt to discipline or report those students he observed breaking the school rules.

The Hearing Officer concludes, as a matter of law, that there was competent evidence available for the hearing examiner and the Professional Practices Commission to make the findings and conclusions contained in the recommendation to the Local Board and there was no abuse of discretion on the part of the Local Board in accepting the recommendation to non-renew Appellant's contract.

#### PART IV

#### RECOMMENDATION

Based upon the record, the briefs and arguments of counsel, and the above findings and conclusions, the Hearing Officer hereby concludes that the Effingham County Board of Education had sufficient evidence before it to non-renew Appellant's contract. The Hearing Officer, therefore, recommends that the decision of the Effingham County Board of Education be affirmed.

  
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L. O. BUCKLAND  
Hearing Officer