

STATE BOARD OF EDUCATION

STATE OF GEORGIA

WILLIAM R. COUGHLIN,                     :  
                                  Appellant,                     :  
v.   :                     CASE NO. 1981-26  
LAGRANGE CITY BOARD  
OF EDUCATION,                             :  
                                  Appellee.                     :

O R D E R

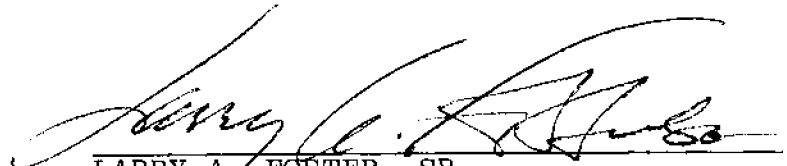
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the LaGrange City Board of Education herein appealed from is hereby sustained.

Mrs. Oberdorfer and Mr. Lathem were not present.

This 12th day of November, 1981.

  
LARRY A. FOSTER, SR.  
Vice Chairman for Appeals

STATE BOARD OF EDUCATION  
STATE OF GEORGIA

WILLIAM R. COUGHLIN,	:	
	:	
Appellant,	:	CASE NO. 1981-26
	:	
vs.	:	REPORT OF HEARING OFFICER
	:	
LaGRANGE CITY BOARD OF	:	
EDUCATION,	:	
	:	
Appellee.	:	
	:	

PART I

SUMMARY OF APPEAL

This is an appeal by William R. Coughlin (hereinafter "Appellant"), a teacher employed by the LaGrange City School System, from a decision by the LaGrange City Board of Education (hereinafter "Local Board") not to renew his contract for the 1981-1982 school year because of a finding of incompetency and neglect of duties resulting from Appellant's inability to maintain discipline within the classroom. Appellant contends that he did not receive adequate support from the school administration. The Hearing Officer recommends that the decision of the Local Board be sustained.

PART II

FINDINGS OF FACT

On March 31, 1981, the Local Superintendent sent Appellant a letter which advised him that the Superintendent had not recommended him for employment during the 1981-1982 school year. Appellant requested a hearing before the Local Board, and on April 23, 1981, the Local Board referred the matter to the Professional Practices Commission for a hearing. On May 7, 1981, Appellant was given a letter which outlined the reasons why he was not recommended for employment. Another letter was sent on May 15, 1981, which set the hearing date for May 26, 1981. The hearing was held as scheduled before a three-member tribunal created by the Professional Practices Commission. In a report dated July 2, 1981, the Professional Practices Commission tribunal found that Appellant was incompetent and had neglected his duties because of his failure to maintain discipline within his classrooms. The Professional Practices Commission tribunal recommended that Appellant's contract for the 1981-1982 school year not be renewed. The Local Board adopted the findings, conclusions, and recommendations of the Professional Practices Commission tribunal on July 7, 1981. The appeal to the State Board of Education was filed on August 5, 1981.

Appellant had been employed since 1975 as an English teacher in the LaGrange High School. He had previously taught for a number of years in a university setting. During the 1979-1980 school year, Appellant began experiencing problems with maintaining discipline within his classroom. At the end of the school year, Appellant was notified by the principal that his performance was not as expected and it would be necessary for him to improve. The problems continued during the 1980-1981 school year and these proceedings were commenced.

The Professional Practices Commission tribunal found that Appellant had been advised at the end of the 1979-1980 school year that his performance was marginal, and he was given an opportunity to resign, but he elected to continue teaching. Appellant was told that the administration could not permit a continuation of the problems and that he would have to develop plans and strategies to improve his classroom management. He was also informed that primary responsibility for competent performance rested with him, but that the administration would assist him if he so requested. During the 1980-1981 school year, the principal visited Appellant's classroom and found the students playing games, writing notes, whispering, and generally not paying attention to Appellant, who exhibited very little eye-contact with the students and did not

correct inattentiveness or misconduct on the part of the students. Following the class, the principal gave Appellant some suggestions on how to maintain control of his students. In December, 1980, the principal began receiving complaints from parents that their children were not learning in the classroom. The principal again visited Appellant's classroom and again observed that the students were not paying attention and that Appellant did not have control. The principal transferred the class to another teacher after the Christmas holidays and Appellant was given another class. In January, 1981, the principal observed that Appellant was having similar problems with the new class. He therefore decided not to recommend renewal of Appellant's contract for the 1981-1982 school year. The Professional Practices Commission tribunal concluded from these facts that Appellant was incompetent and had neglected his duties.

### PART III

#### CONCLUSIONS OF LAW

The appeal to the State Board of Education maintains that (1) there was insufficient evidence to sustain the charge that Appellant failed to maintain reasonable order and discipline, and (2) the school administration offered inadequate supervision and instructional information

advice to Appellant. Appellant maintains that the observations made by the principal were of such a limited nature that the principal could not reasonably be aware of the actual state of discipline within the classroom. Additionally, Appellant maintains that the complaints by the parents did not establish any creditable evidence since the parents did not have any first hand knowledge of the classroom situation. Appellant points to the fact that three (3) students who were in the classroom testified that discipline within the classroom was no less than what obtained in other classrooms within the high school. Appellant maintains that since the burden of proof is on the school system, it is necessary for the school system to establish willful neglect of duties rather than simple classroom inefficiency in order to sustain the charges. With respect to the second contention, Appellant maintains that it was the duty of the principal and the school administration to provide him with the support, advice, and supervision to permit him to overcome any problems he had within the classroom. He then argues that he should not be discharged because of the inability of the principal and the school administration to complete their duties.

Appellant is correct in his contention that the burden of proof is upon the Local Board. Ga. Code Ann. §32-2101c(e). However, the State Board of Education follows the rule that if there is any evidence to support the decision of the Local Board, the State Board of Education will not reverse that decision upon review. Antone v. Greene County Bd. of Ed., Case No. 1976-11. Contrary to Appellant's assertions that there was no evidence to support the charges that he was unable to maintain discipline within his classroom, the record contains evidence of observations made by the principal, by the superintendent, and by the department head, which showed that Appellant was unable to maintain control. Although these observations may have been of limited length, their number and consistency could reasonably cause the fact-finder to determine that they reflected the normal state of affairs within Appellant's classroom. It is not necessary for an administrator to continuously observe in order to make a determination of effectiveness. The Hearing Officer, therefore, concludes that there was evidence to support the charges, and the findings were reasonable in light of the evidence submitted.

Appellant's argument that the administration had a duty to provide him with effective assistance is a statement of a good management policy, but it is not a

requirement of the law. Notwithstanding the requirements of law, Appellant was offered any assistance he desired. Appellant is an accredited teacher with several years of experience and should, therefore, have been effectively able to maintain discipline within his classroom, or sought the assistance he needed. The Hearing Officer, therefore, concludes that there is no legal foundation for Appellant's claim that the administration's failure to fulfill their duties relieved him of his responsibilities.

#### PART IV

#### RECOMMENDATION

Based upon the foregoing findings and conclusions, the record submitted, and the briefs and arguments of counsel, the Hearing Officer is of the opinion that the findings of the Professional Practices Commission tribunal are reasonably supported by the evidence and the decision by the Local Board was reasonable. The Hearing Officer, therefore, recommends that the decision of the LaGrange City Board of Education be sustained.

Appearances: For Appellant - Tisinger, Tisinger, Vance & Greer; J. Thomas Vance; For Local Board - Lewis, Hunnicutt, Taylor & Daniel; John M. Taylor.

  
\_\_\_\_\_  
L.O. BUCKLAND  
Hearing Officer