

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MARY BARFIELD,)
Appellant,)
v.) CASE NO. 1984-8
GWINNETT COUNTY BOARD OF EDUCATION)
Appellee.)

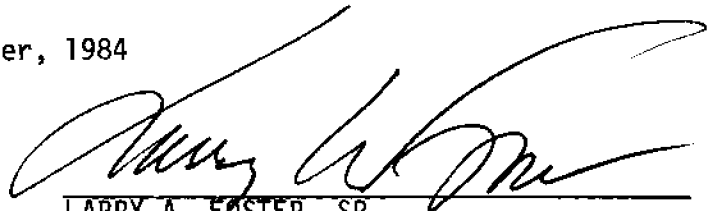
O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, 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 Gwinnett County Board of Education herein appealed from is hereby sustained.

This 8th day of November, 1984


LARRY A. FOSTER, SR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MARY BARFIELD,	:	
	:	
Appellant,	:	
	:	CASE NO. 1984-8
v.	:	
	:	
GWINNETT COUNTY BOARD	:	
OF EDUCATION,	:	
	:	REPORT OF
Appellee.	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an appeal by Mary Barfield (hereinafter "Appellant") from a decision of the Gwinnett County Board of Education (hereinafter "Local Board") not to renew Appellant's teaching contract for the 1984-85 school year. The Local Board made its decision based on findings of insubordination and willful neglect of duties. Appellant contends on appeal that the charges stated against Appellant were not specific, that there was no evidence to support insubordination by Appellant, and that there was no evidence to support willful neglect of duty. The Hearing Officer recommends the decision of the Local System, not to renew Appellant's teaching certificate, be sustained.

PART II

FINDINGS OF FACT

On March 23, 1984, the Local Superintendent notified Appellant that he would not recommend renewal of her contract for the 1984-85 school year. By letter dated March 27, 1984,

Appellant requested the reasons for nonrenewal and a hearing. The Local Superintendent notified Appellant by certified letter dated April 13, 1984, that the nonrenewal was based on the grounds of incompetency, insubordination, and willful neglect of duty. The letter further stated that Appellant had failed to comply with an enclosed plan of corrective action which was enclosed with the letter. Appellant's counsel requested the charges be set forth more specifically. Without conceding the legal insufficiency of the notice provided by the April 13 letter, counsel for the Local System notified Appellant by letter of April 27, 1984 of a summary of the witnesses' testimony. Evaluation forms were attached which contained notations of observations by witnesses of Appellant's teaching. The hearing was held June 1, 1984, and the Local System decided that same day not to renew Appellant's contract based on insubordination and willful neglect of duties. The Local System did not find Appellant incompetent.

At the time of the hearing, Appellant had been a teacher for fifteen years, the last eight of which were at Duluth High School in the Local System. She possessed fifth year certification in language arts.

As early as 1979 the Principal of Duluth High School felt there was a problem in Appellant's classroom. He developed a plan of improvement for the teacher to try to correct the problem he perceived. He felt Appellant improved her performance for the school year 1980-81, but thereafter he

felt she allowed her performance to deteriorate. The Principal again prepared a plan of improvement. This time the plan was very specific, and included observations by the Department Head and the Language Arts Consultant. The Principal told Appellant to ask for help if she needed it. He informed her that if improvement was not forthcoming he would not recommend renewal of her contract for the upcoming school year.

The record reflects a concern by the Principal that Appellant was either unwilling or unable to manage her classroom in the manner he required. Appellant had discipline problems with the students, including not requiring students to use hall passes as required. (T-38) Observation of her classroom led the Principal to become concerned that the class time was not being utilized properly, because Appellant either did not have lesson plans, or because the lesson plans she had were inadequate. He provided in the improvement plan that Appellant was to prepare lesson plans and turn in the plans to her department head. Testimony in the record reflects that at least on some occasions Appellant did not comply with this requirement. (T-63,100)

PART III

CONCLUSIONS OF LAW

Appellant contends on appeal that the charges listed in the letters of April 13, and April 27, were not stated in sufficient detail to enable her to point out any error contained

therein as is required by O.C.G.A. § 20-2-940. The Hearing Officer is of the opinion the notice provided in the two letters is sufficient as a matter of law to comply with the requirement for specificity of charges. The letters stated the legal grounds of incompetency, insubordination, and willful neglect of duties. The letter contained attachments consisting of the corrective action plan used by the principal and the evaluation forms which had detailed observations written by the Department Chairman, the Language Arts Consultant, and the Principal. Their comments included observations that Appellant did not require hall passes (2-3, 3rd period observation; 2-16, 1st period observation; 12-9, 5th period observation, 1-5, 6th period observation), and did not provide a copy of her lesson plans to the Department Chairperson as required (1-3; 1-6, 5th/3rd period observations). Appellant was given the opportunity to discuss these deficiencies with the Principal, the Department Chairman and the Language Arts Consultant. Thus, Appellant had notice sufficient to enable her to point out any error.

Appellant next contends there was no evidence to support the charges of insubordination or willful neglect of duty. The Hearing Officer's findings of facts reflect that Appellant failed to comply with the instructions of the principal as evidenced by her failure to require hall passes, and her failure to prepare lesson plans and turn them in to her department head. Whether or not this conduct amounts to insubordination,

it is clear that it is some evidence of willful neglect of duty on the part of the Appellant. Appellant was clearly informed of the standards she would be required to meet. The Local System found Appellant competent to meet those standards, yet there is evidence in the record she failed to comply with those standards. The fact that she was aware of the requirements, competent to perform them, and did not perform them is evidence of intent from which the Local System may infer that the neglect of duty found by the Local System was willful.


The State Board of Education is bound to follow the rule that if there is any evidence to support the decision of the Local Board, then the decision will not be disturbed upon review, unless there has been a gross abuse of discretion or some illegal action has been taken. Ransum v. Chattooga Cnty Bd. of Ed., 144 Ga. App. 783 (1978); Antone v. Greene Cnty Bd. of Ed., Case No. 1976-11. In the instant case, the Local Board's decision does not appear to have been a gross abuse of discretion or constitute any illegal action on the part of the Local Board. The Hearing Officer, therefore, concludes there was sufficient evidence to show that Appellant was guilty of willful neglect of duty.

PART IV

RECOMMENDATIONS

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 notice provided Appellant met the requirements of O.C.G.A. § 20-2-940 and that there is some evidence to support the decision of the Local Board that Appellant willfully neglected her duties. The Hearing Officer, therefore, recommends that the decision of the Local Board be SUSTAINED.



L. O. BUCKLAND
State Hearing Officer