

not intend to recommend renewal of her contract for the 1984-85 school year. She requested the reasons for non-renewal in a letter dated April 15, 1984 and received a response giving the reasons dated April 30, 1984.

The Local Board requested the Professional Practices Commission to constitute a tribunal to conduct a hearing on Appellant's non-renewal. The Tribunal conducted the hearing, which ran for several days, beginning on June 11, 1984. The tribunal concluded that Appellant was guilty of insubordination and willful neglect of duties, and recommended non-renewal of Appellant's contract.

The letter which the Local Board sent Appellant to explain the reasons for the non-renewal stated details intended to support charges of insubordination, willful neglect of duty, and incompetency. These details included the allegations that the Appellant spent a great deal of time in her class involved in discussions which had little or nothing to do with the subject matter of the class; that she had humiliated or embarrassed students in class; that she made inappropriate and unprofessional comments to students and other staff members; that she made wagers with students, fined students for certain things, and failed to turn in monies collected; and that she had failed to follow the policies and directives of the Local Board.

These details were further delineated by explaining that the discussions often involved sex or alcohol during an economics class, Appellant smoked in her classroom in violation of school policy, Appellant failed to perform hall duty, and Appellant did not arrive at her room on time as required by the teacher handbook.

The PPC tribunal did not find Appellant incompetent, but did find Appellant guilty of insubordination and willful neglect of duty. The tribunal made the following findings of fact to support their conclusion.

During the 1983-84 school year, respondent discussed the subject of consumption of alcoholic beverages with the students in her Economics class.

Respondent also assigned a two-hundred word essay on the sex life of a dead fly to her Economics class and read and discussed the papers with her students. There was also uncontradicted testimony that respondent explained the difference between a harlot, a mistress, a whore, and a lady-of-the-evening in her class...

...Respondent told a student that she should 'stretch the truth' to her parents so as to avoid attending a college that the student's parents wanted her to attend...

Respondent did smoke in unauthorized places on school property in violation of the policy of the Telfair County Board of Education...

Respondent failed to perform hall duty as requested by her administrative superiors and further failed to be in her classroom at 8:00 A.M. contrary to lawful directives from her superiors...

On July 19, 1984, the Local Board adopted the findings of fact, conclusions of law, and recommendations of the PPC tribunal. This appeal was filed August 13, 1984.

There is evidence in the record to support all of the findings of fact of the PPC tribunal. For the purposes of this decision it is significant that there is evidence to support the findings Appellant did discuss drinking in class (T'.37,38,39), Appellant assigned the essay on the sex life of a dead fly (T-41), Appellant told a student to stretch the truth (T-96), Appellant put a cigarette in an ashtray room when the assistant principal walked in her room (T-191, 192), Appellant failed to perform hall duty as required on some occasions (T-59), and Appellant was late to arrive in her room at times (T-52, T 245).

PART III

CONCLUSIONS OF LAW

Appellant's first contention is that her constitutional due process rights require that in order for the infractions charged to constitute a basis for non-renewal there would have to be

prior warning that such infractions would result in non-renewal. Appellant cites cases supporting the principle that an individual must be given a reasonable opportunity to know what is prohibited so that the individual may act accordingly. In the instant case, Appellant, as an educator, could be expected to be aware that Economics Class' time should be used to teach economics. She was aware of the no smoking policy, the requirement that she be in her room on time, and the requirement that she monitor the hallway. Appellant's due process rights were not violated because she did have a reasonable opportunity to know what conduct was prohibited.

Appellant's other contentions concern whether the evidence was sufficient to support the findings, conclusions of law, and recommendations of the PPC tribunal and the subsequent affirmation of those findings and recommendations by the Local Board. 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 of the local board will not be overturned on appeal for evidentiary reasons. See, *Ransum v. Chattooga Cnty Bd. of Ed.*, 144 Ga. App. 783 (1978); *Antone v. Greene Cnty Bd. of Ed.*, Case No. 1976—11. In this case, there is evidence from which the PPC tribunal and the Local Board could conclude Appellant was guilty of insubordination and willful neglect of duty. The charge of insubordination can be supported by the evidence that Appellant smoked in her room in violation of Local Board policy, by the evidence that Appellant failed to perform hall duty as required, and by the evidence that Appellant arrived late to her room. The charge of willful neglect of duty can be supported by the same evidence as above as well as the evidence that Appellant spent a great deal of class time discussing topics unrelated to the subject of the class. The Hearing Officer, therefore, concludes that

there was evidence before the PPC tribunal and the Local Board which authorized it to make a decision not to renew Appellant's teaching contract.

PART IV

RE COMM ~NDAT ION

Based upon the foregoing findings and conclusions, the record submitted, and the briefs and arguments or counsel, the Hearing Officer is of the opinion that the Local Board had the authority to dismiss Appellant for insubordination and willful neglect of duty, and that there was evidence presented to support their decision. The Hearing Officer, therefore, recommends that the decision of the Local Board be SUSTAINED.

L. O. BUCKLAND
State Hearing Officer