



written lesson plans a week in advance, have them accessible to administrators at all times, and to submit a copy to the principal. Although the evidence was conflicting, the PPC tribunal found that Appellant did not submit any lesson plans to the principal during the 1986-1987 school year.

The PPC tribunal found that Appellant made numerous errors in the preparation of his daily attendance register, even though he was counseled several times on the method of preparation. Appellant also failed to correct errors after the principal had given him specific instructions.

The Local Board had a policy that students were not to be placed outside their classroom in the hallway for disciplinary purposes, but were supposed to be taken to the principal's office. The policy was discussed several times by Appellant and the principal. Appellant, nevertheless, directed at least one student to leave the classroom without being directed or escorted to the principal's office. This incident resulted in a later scuffle in the lunchroom between Appellant and the student.

Appellant was appointed as the Social Science Fair Coordinator for his school. He attended a workshop at Veldts State College and admitted he was aware of his appointment as Coordinator when he attended the workshop. Later, however, Appellant failed to take any action in his position. At a meeting with the curriculum director and the principal, during a discussion concerning the distribution of some handbooks about the fair to the teachers, Appellant accused the principal of being a liar.

The Local Board had a policy that required teachers to permit parents to review and inspect their children's work. On at least one occasion, Appellant refused to permit a parent to review a student's work, even though he was directed to permit the parent to look at the work by the principal.

The PPC tribunal concluded that the Local Board had carried the burden of proof required to establish that Appellant was guilty of insubordination, willful neglect of duty, and incompetence and recommended that Appellant's teaching contract not be renewed.

On July 21, 1987, the Local Board accepted the findings and recommendation of the PPC tribunal. Appellant made a timely appeal from the decision of the Local Board. The record, however, was not submitted to the State Board of Education until June, 1988.

### **PART III**

### **DISCUSSION**

Appellant maintains on appeal that he was denied substantive and procedural due process because he was not provided with any indication that his performance was less than adequate, and he was not provided any staff development as required, he contends, by O.C.G.A. § 20-2-230(a). The Quality Basic Education Act – specifically O.C.G.A. § 20-2-230(a) – does not add any substantive or procedural due process rights for teachers to those provided by O.C.G.A. § 20-2-940. The fact that Appellant was not provided with counseling would be a mitigating circumstance the Local Board could consider, but there is no requirement imposed upon a local board to provide counseling and staff development before a teacher's contract is not renewed. The State Board of Education, therefore, concludes that Appellant was not denied any substantive or procedural due process rights.

Appellant also maintains that he was improperly terminated because he exercised his right of free speech. This issue, however, was not raised at the hearing before the PPC tribunal. If an issue is not raised before the local board, it cannot be raised for the first time before the State Board of Education on appeal.

Appellant finally contends that the evidence presented did not sustain the charges. He maintains that the history of conflict between himself and the principal, which began when the

two of them attended grammar school together, dictates that a greater burden of proof is imposed upon the Local Board in establishing its charges, and that the Local Board should not have found that there was insubordination and willful neglect of duty in the absence of written notice of his deficiencies from the principal and an opportunity to improve or correct the deficiencies. Appellant maintains that the ongoing feud between himself and the principal establishes his situation as unique.

Notwithstanding Appellant's contentions, if there is any evidence to support the decision of a local board of education, the State Board of Education is required to uphold that decision. ~ Ransum v. Chattooga Cnty. Bd. of Ed., 144 Ga. App. 783 (1978); Antone v. Greene Cnty. Bd. of Ed., Case No. 1976-11. As set out in Part II, there was conflict in the evidence, but the PPC tribunal, as the trier of fact, could find that Appellant was incompetent because he was unable to properly complete the daily attendance register after receiving instruction from the principal, and he willfully neglected his duties because he failed to submit his lesson plans. The State Board of Education, therefore, concludes that there was evidence in the record that supports the decision of the Local Board.

#### **PART IV**

#### **DECISION**

Based upon the foregoing, the record submitted, and the briefs and arguments of counsel, the State Board of Education is of the opinion that Appellant was not denied any substantive or procedural due process rights, and there was evidence in the record that supports the decision of the Local Board. The decision of the Local Board, therefore, is

**SUSTAINED**

This 11<sup>th</sup> day of August, 1988.

John M. Taylor  
Vice Chairman For Appeals