

STATE BOARD OF EDUCATION
STATE OF GEORGIA

HAROLD JEAN MOSELY,	:	
	:	
Appellant,	:	CASE NO. 1993-8
	:	
v.	:	
	:	DECISION
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Harold Jean Mosely (“Appellant”) from a decision by the Gwinnett County Board of Education (“Local Board”) to terminate her teaching contract because of incompetency, insubordination, willful neglect of duty, and other good and sufficient causes. Appellant claims that her mental incapacity prevented her from presenting a defense, thus denying her substantive and procedural due process. The decision of the Local Board is sustained.

On January 4, 1993, the Local Board conducted a hearing on charges against Appellant of incompetency, insubordination, willful neglect of duty, and other good and sufficient causes. The evidence, which is not disputed, shows that Appellant went on a leave of absence from her position as an interrelated resource teacher October 7, 1992, through December 2, 1992, because of stress. Appellant was certified to return to work by a psychiatrist and a psychologist.

Appellant was unable to maintain control of her classroom. Although instructed to turn in lesson plans, Appellant failed to present any lesson plans. She was consistently late in

reporting to work. When confronted by her Principal, Appellant insisted she was performing an excellent job and nothing was wrong with her.

On December 9, 1992, the Principal went to Appellant's classroom. Appellant was standing with her back to the wall; the students were playing games and were not on task. Appellant claimed the students were not her students. The Principal had to remove Appellant from the classroom. The Principal recommended to the Local Superintendent that the Local Board should dismiss Appellant. The Local Superintendent filed the charges against Appellant and the Local Board heard the evidence.

At the conclusion of the hearing, the Local Board voted to terminate Appellant's teaching contract. Appellant then filed a timely appeal to the State Board of Education.

On appeal, Appellant claims that she was not mentally competent to participate in a hearing. There was, however, no evidence presented at the hearing that Appellant was mentally incompetent. She attended the hearing after notice was given to her and she was aware of what was happening while she was at the hearing. Appellant's psychologist and psychiatrist had released her for full duty.

"The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783, 242 S.E.2d 374 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." Roderick J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991).

Based upon the foregoing, the State Board of Education concludes that the evidence supports the Local Board's decision. The Local Board's decision, therefore, is

SUSTAINED.

This 13th day of May, 1993.

Al Abrams' seat is vacant due to his resignation effective April 30, 1993.

Robert M. Brinson
Vice Chairman for Appeals