

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**DONNA CABE,**

**Appellant,**

**vs.**

**WALTON COUNTY  
BOARD OF EDUCATION,**

**Appellee.**

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**CASE NO. 2001-02**

**DECISION**

This is an appeal by Donna Cabe (Appellant) from a decision by the Walton County Board of Education (Local Board) not to renew her teaching contract for the 2000-2001 school year because of willful neglect of duty, immorality, and other good and sufficient cause. Appellant claims that the evidence did not support the charges. The Local Board’s decision is reversed.

This case presents the unique question of whether a teacher can be dismissed because of immorality and neglect of duty when the teacher fails to care for some pets because of a psychological impairment, clinical depression, is charged with a misdemeanor crime, and serves time in jail on weekends. The Local Board claims that Appellant was immoral because she served time in jail on weekends and she neglected her duties when she took personal leave to attend her sentencing hearing and when she took time to obtain medical help in a hospital.

The Local Board employed Appellant in 1988. Appellant served as a high school English teacher and was a Star teacher during the 1996-1997 school year. During the spring of 1998, Appellant began manifesting symptoms arising from clinical depression. Although her work at school was not impacted, Appellant began going home and doing nothing. Unfortunately, Appellant raised cats who needed feeding and other care. Appellant’s family became concerned about her conduct at home and asked the police to check on Appellant’s condition. The police went to Appellant’s house and found several dead cats in her house and her other cats were starving. Appellant was charged with 51 misdemeanor charges of cruelty to animals. Using her accrued medical leave, Appellant properly obtained medical leave and checked herself into a psychiatric facility for the last three or four weeks of the 1997-1998 school year.

Appellant went on to teach the 1998-1999 school year without incident. Her case did not come up in court until the fall of 1999 when she pleaded guilty to the misdemeanor charges and was sentenced to serve ten consecutive weekends in jail with some additional community service and a fine of \$1,250.00. Appellant went to jail on the weekends from January 7, 2000 through March 11, 2000. On April 12, 2000, the Local Superintendent wrote to Appellant that a recommendation would not be made to renew her contract for the 2000-2001 school year because of willful neglect of duties, immorality, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. A hearing was held before the Local Board on June 9, 2000. The Local

Board found Appellant guilty of willful neglect of duty, immorality, and found other good and sufficient cause not to renew her teaching contract.

During the hearing, the Local Superintendent contended that Appellant willfully neglected her duties because she took medical leave and entered a psychiatric hospital in May 1998 and took two days of personal leave during the fall of 1999 to attend her arraignment and sentencing hearings. The evidence showed that Appellant followed all of the requirements for obtaining leave and had the necessary accrued leave. Except for being absent from school on approved leave, there was no evidence that Appellant otherwise neglected her duties.

The Local Board argues that an approved leave for purposes with which the administration disapproves of constitutes willful neglect of duty because the teacher could have been in the classroom. This is clearly not the state of the law. If the teacher has taken the necessary and possible steps to cover a classroom during the teacher's absence, there certainly has not been any neglect. The State Board of Education holds that the absence of a teacher or other employee while on an approved leave does not constitute willful neglect of duty regardless of the reason why the teacher took the leave.

The Local Board claims that it was immoral for Appellant to spend time in jail. Immorality, however, relates to conduct and not to the consequences of that conduct. Thus, the question is whether it was immoral for Appellant to allow some of her cats to die while she was in a state of depression. Although the deaths were unfortunate, Appellant's inaction does not arise to the level of being immoral behavior when her mental condition is considered. The State Board of Education concludes that there was no evidence of immorality.

The Local Board also charged Appellant with "other good and sufficient cause." The Local Board makes the same arguments as it made for the willful neglect of duty and immorality charges, i.e., Appellant's inaction and time in jail constitutes other good and sufficient cause not to renew her contract. The Local Board argues that teachers serve as role models and any teacher who spends time in jail cannot be a role model. The evidence, however, shows that Appellant continued to be an effective teacher and there was no evidence that anyone was aware she spent ten weekends in jail, or that her ability to serve as a role model was adversely impacted. The State Board of Education concludes that there was not any other good and sufficient cause to fail to renew Appellant's teaching contract.

Based upon the foregoing, it is the opinion of the State Board of Education that there was no evidence to support the non-renewal of Appellant's teaching contract. Accordingly, the Local Board's decision is  
REVERSED.

This \_\_\_\_\_ day of November 2000.

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Bruce Jackson  
Vice Chairman for Appeals