

STATE BOARD OF EDUCATION

STATE OF GEORGIA

DEBEROH E. PRENTICE,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2004-02
	:	
CLAYTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by Deberoh E. Prentice (Appellant) from a decision by the Clayton County Board of Education (Local Board) to terminate her teaching contract because of incompetency, insubordination, and other good and sufficient cause. Appellant claims that the evidence was insufficient to support the charges, and that she was a victim of harassment by her fellow teachers and the staff. The Local Board's decision is sustained.

A floating teacher had a file cabinet in Appellant's classroom. The floating teacher normally arrived at school at 7:00 a.m. and went into Appellant's room to prepare his lessons for the day. He was normally out of the room by 7:30 a.m. and, for 34 weeks of the 2002-2003 school year, Appellant did not arrive before he left the room. On May 17, 2003, Appellant arrived in the room before the floating teacher left. Upon entering the room, Appellant told the floating teacher to get out of the room even though the floating teacher was located on the opposite side of the room from where Appellant's desk was located. When the floating teacher did not leave the room, Appellant turned off the lights. The floating teacher still did not leave the room. Appellant then picked up a chair and threw it at the floating teacher and hit him on the leg. Appellant then said, "Get out of my [expletive] room!" The floating teacher then left and reported the incident to the principal.

The incident was the last episode in a long series of confrontations that Appellant had with other teachers and the staff during the year, which was her third year in the school. At the beginning of the year, Appellant, who served as a mathematics teacher, told another mathematics teacher that she was not to talk with or tutor any of Appellant's students. She also told her students that she questioned the competency of the other mathematics teacher. She also accused the other mathematics teacher of harassing her because the other mathematics teacher said, "Good morning," to her each day. In another incident, Appellant accused the other mathematics teacher of being a liar while they were in front of some students.

Appellant also had several confrontations with the chairman of the mathematics department. She accused the chairman of sexual harassment when, in front of her classroom, he placed his hand on her back as he leaned over to whisper to her and ask whether a student could

come into the class to take a test. In another incident, the chairman gave Appellant a Southern Association of Colleges and Schools survey form to complete. Appellant was the only teacher who failed to complete the form. When the chairman asked her for the survey, she refused to cooperate. The chairman asked her whether he was going to have to get the principal involved and she responded that he could do whatever he wanted. Appellant also was required to turn in lesson plans to the chairman. For two weeks, she submitted lesson plans that said, "The teacher will teach. The students will learn." The chairman had to involve the principal to obtain proper lesson plans.

A three-member tribunal heard the charges and evidence under the provisions of O.C.G.A. § 20-2-940. The tribunal decided that the evidence supported the charges and recommended termination of Appellant's teaching contract. The Local Board adopted the tribunal's recommendation and terminated Appellant's contract. Appellant then filed an appeal to the State Board of Education.

Appellant claims that the evidence does not meet the "preponderance of the evidence" standard to support the charges. The standard for review, however, is the "any evidence" standard. "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). In the instant case, there was testimony that Appellant attacked another teacher, refused to follow the directions of her department chair, failed to complete her lesson plans, and acted unprofessionally towards another teacher. Although Appellant denied that any of the incidents occurred and that the teachers and members of the staff were prejudiced against her, the tribunal "... sits as the trier of fact and, if there is conflicting evidence, must decide which version to accept. When that judgment has been made, the State Board of Education will not disturb the finding unless there is a complete absence of evidence." *F. W. v. DeKalb Cnty. Bd. of Educ.*, Case No. 1998-25 (Ga. SBE, Aug. 13, 1998).

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision. Accordingly, the Local Board's decision is SUSTAINED.

This 9th day of October 2003.



Wanda T. Barrs
Chairperson - State Board of Education