

STATE BOARD OF EDUCATION

STATE OF GEORGIA

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| BRELINDA SULLEN, | : | |
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| Appellant, | : | |
| | : | |
| vs. | : | CASE NO. 2004-37 |
| | : | |
| WORTH COUNTY | : | |
| BOARD OF EDUCATION, | : | |
| | : | |
| Appellee. | : | DECISION |

This is an appeal by Brelinda Sullen (Appellant) from a decision by the Worth County Board of Education (Local Board) to terminate her contract as a counselor after finding her guilty of willful neglect of duty based upon evidence that she violated Local Board policy in enrolling a new student who did not reside in the county. Appellant claims that the evidence does not support the charges. The Local Board's decision is sustained.

On January 16, 2003, Appellant's cousin, a student in Colquitt County High School, became involved in an altercation with another student and was suspended pending a student disciplinary hearing. The next day, Appellant's cousin appeared at the Worth County High School with his father and asked to see Appellant, a counselor in the high school. The Student's father asked Appellant to enroll her cousin in the Worth County High School and gave her a Colquitt County High School transcript that he had forged.

Appellant proceeded to enroll her cousin in the Worth County High School, despite a Local Board policy that limits enrollment to residents of Worth County. In addition, the Local Board has a policy that recognizes and upholds the disciplinary actions of other school systems.

The Worth County High School has a procedure that divides the enrollment process for new students among the secretary, the registrar, and one of the counselors. Normally, the secretary is the first person a new student sees. The secretary goes through a checklist to insure that all of the paperwork is present before the new student is enrolled. The secretary checks to see if an official transcript (a transcript with a seal on it) has been received from the student's previous school, along with a disciplinary file and the student's health records. In addition, the secretary establishes that the student is a resident of the county. After these tasks have been completed, the secretary gives the transcript to a counselor who reviews it to assign the student to comparable classes. The transcript is then given to the registrar to enter the student's grades into the school

system's records. After that, the student's records are put into the school vault. Appellant bypassed the procedural division and handled all of the paperwork herself.

At the end of the 2002-2003 school year, the basketball coach was checking the records of Appellant's cousin and discovered the falsified transcript. An investigation was undertaken and Appellant's involvement in the student's registration became known. The Local Superintendent then recommended termination of Appellant's contract because she willfully neglected her duties in enrolling her cousin and for other good and sufficient causes under the provisions of O.C.G.A. § 20-2-940.

The Local Board heard the evidence concerning Appellant's involvement. Appellant attempted to shift the responsibility to the secretary, but her initials or handwriting was on all of the documents and the secretary's writing did not appear on any of the documents. The Local Board voted to dismiss Appellant for willful neglect of her duties and other good and sufficient causes. Appellant then filed an appeal to the State Board of Education.

On appeal, Appellant claims that she attempted to obtain guardianship papers for her cousin, but his father failed to provide them. She claims that the secretary was involved in the registration process and should have caught any errors that existed in the file. She claims that she did not know that the transcript was a forgery, even though it did not have a seal from Colquitt County on it. All of Appellant's claims go to questioning the facts found by Local Board after listening to all of the witnesses and reviewing the documents submitted.

"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). Here, there was evidence that Appellant was solely responsible for enrolling her cousin in school even though he was not a resident of the county and did not have a legal guardian residing in the county.

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 that Appellant willfully neglected her duties and there was good and sufficient cause to terminate her contract. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of June, 2004.

William Bradley Bryant
Vice Chairman for Appeals

