

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ELIZABETH WALL,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2005-32
	:	
DODGE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Elizabeth Wall (Appellant) from a decision by the Dodge County Board of Education (Local Board) to terminate her teaching contract based upon charges of insubordination, willful neglect of duties, inciting, encouraging, or counseling students to violate the law or Local Board policies, and any other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that there was insufficient evidence to sustain the charges. The Local Board's decision is sustained.

Appellant was employed by the Local Board as a high school science teacher. Following an automobile accident in 1999, Appellant suffered nerve damage that caused severe pain and required Appellant to take medications for nerve regeneration. In May 2004, after a change in her medication, Appellant's principal found her asleep in her classroom with students in her room. Appellant changed her medication again and completed the year without incident.

On September 23, 2004, Appellant fell asleep in her classroom again during a break period and was unaware when students came into her room. Appellant claimed that she had changed her medications again and the new medications caused her to fall asleep. Appellant's principal placed her on medical leave.

Following Appellant's departure from school, her principal learned that Appellant had engaged in numerous activities that the principal felt showed insubordination, willful neglect of duties, and encouragement to students to violate school policies. The principal recommended termination of Appellant's teaching contract.

The Local Board held a hearing on January 25, 2005, on the Local Superintendent's recommendation to terminate Appellant's contract. The Local Board heard testimony that Appellant: (1) allowed students in her classroom who

were supposed to be in other classes, despite instruction from her principal to not let students in her classroom unless they were supposed to be there for class; (2) regularly wrote hall passes for students who wanted to skip another class; (3) permitted students to go to the parking lot while school was in session although there was a policy that students were not supposed to go to the parking lot during school hours; (4) taught only one chapter during two months of school when the other classes had covered seven chapters; (5) failed to maintain her grade book in a manner that would permit someone to determine a student's progress; (6) permitted students to make cell phone calls in her classroom, which was against school policy; (7) advised students who were not supposed to be in her classroom to hide if an administrator came to the room, and (8) regularly used profanity in her classroom. Despite Appellant's denial of all of the charges and testimony from witnesses who claimed that Appellant did not do what she was charged with, the Local Board voted to terminate her contract. Appellant then filed an appeal to the State Board of Education.

Appellant claims that there was no evidence that she was insubordinate, willfully neglected her duties, incited, encouraged, or counseled students to violate any valid state law, municipal ordinance, or policy or rule of the Local Board, or that there was other good and sufficient cause to terminate her contract.

"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 evidence that Appellant had been told not to permit students to come to her room who were not supposed to be there, that Appellant gave students notes when they wanted to skip other classes, that Appellant failed to teach her students and failed to maintain her grade book. There was, therefore, some evidence to support the Local Board's decision.

Appellant claims that she did not receive a directive from the principal about students coming into her room. Instead, she and the principal merely discussed students going to her room. Regardless of how informal it was, the principal told Appellant not to let students come to her classroom when they were not supposed to be there. Appellant, nevertheless, continued to allow students to enter the room even though they were not in the class.

Appellant also claims that there was no showing that she willfully neglected her duties because there was no showing of a flagrant act or omission or of more than mere negligence, which is the standard set out in *Terry v. Houston Cnty. Bd. of Educ.*, 178 Ga. App. 296, 342 S.E.2d 774 (1986). There was, however, evidence that Appellant failed to maintain her grade book so that others

could determine the grades of her students. There was also evidence that Appellant only covered one chapter while the other teachers covered seven chapters in the same period.

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

This _____ day of May 2005.

William Bradley Bryant
Vice Chairman for Appeals