

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ULYSSES MARABLE,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2005-43
	:	
LOWNDES COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Ulysses Marable (Appellant) from a decision by the Lowndes County Board of Education (Local Board) not to remove a letter of reprimand issued by the Local Superintendent from his personnel file. Appellant claims that there was no evidence to support the charges made by the Local Superintendent in the letter of reprimand. The Local Board’s decision is sustained.

On May 27, 2004, the Local Superintendent issued a letter of reprimand to Appellant that stated that Appellant had shown poor classroom management, exhibited aggressive behavior toward his students, had made unauthorized supply purchases, and had failed to properly document student grades. The Local Superintendent issued the letter of reprimand after Appellant complained to him that the principal and assistant principal at his high school did not conduct an appropriate investigation after Appellant reported that he had been struck by a football thrown by one of his students while he was teaching and he was unable to determine which student threw the ball. Appellant reported the incident to the assistant principal, but the assistant principal was also unable to determine who had thrown the ball. Consequently, the administration did not punish any of the students, which caused Appellant to be upset. Appellant met with the Local Superintendent to discuss the incident and register his complaint that the principal and assistant principal had failed to perform their jobs properly. The Local Superintendent responded by saying that he was going to issue a letter of reprimand to Appellant because he felt that Appellant disparaged the principal and assistant principal in an unprofessional manner.

After the Local Superintendent issued the letter of reprimand, Appellant filed an appeal with the Local Board to have the letter removed from his personnel file. The Local Board held a hearing and decided to permit the letter of reprimand to remain in Appellant’s personnel file. Appellant then filed a timely appeal to the State Board of Education.

O.C.G.A. § 20-2-944 provides that a local school superintendent can issue a letter of reprimand to a teacher “for any valid reason.” It also provides that a teacher can appeal the local superintendent’s decision to the local board of education, which is required to conduct a hearing to “either affirm the decision of the superintendent or to reverse it.”

Appellant claims that there was no evidence to support the “four reasons” that Appellant claims were the basis for the Local Superintendent’s letter. Although the Local Superintendent outlined four problem areas that he had observed with Appellant’s performance, these problem areas followed the Local Superintendent’s statement that Appellant’s accusations against the principal and assistant principal were disturbing. The Local Superintendent testified before the Local Board that he felt that Appellant’s accusations were unprofessional and went beyond the bounds of proper conduct. The Local Superintendent also stated that the football-throwing incident was evidence that Appellant had problems with his classroom management. Thus, the Local Superintendent set out the “four reasons” only as additional items of concern. The Local Superintendent’s main concern was with Appellant’s allegations against the principal and the assistant principal. The amount of evidence to support the “four reasons,” therefore, is immaterial.

"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, the Local Superintendent testified that Appellant’s allegations against the principal and assistant principal were unprofessional and that Appellant was not controlling his classroom. There was, therefore, some evidence from which the Local Board could determine that the Local Superintendent had a valid reason for issuing the letter of reprimand.

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 _____ day of June 2005.

William Bradley Bryant
Vice Chairman for Appeals