

STATE BOARD OF EDUCATION

STATE OF GEORGIA

SANDRA BLAND-JONES,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-58
	:	
ATLANTA CITY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Sandra Bland-Jones (Appellant) from a decision by the Atlanta City Board of Education (Local Board) to terminate her teaching contract based upon charges of willful neglect of duty and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940 after she permitted a student to drive her car and the student was involved in an accident. Appellant claims that the tribunal and the hearing officer were biased against her and that the evidence did not support the charges. The Local Board’s decision is sustained.

On February 23, 2005, Appellant asked a student in her school to move her car from where it was parked to a place that was closer to her classroom because she was having difficulty walking as the result of an injury she had sustained from an automobile accident. While the student was moving the car, he struck another teacher’s car and caused some minor damage. The Local Superintendent decided to recommend termination of Appellant’s contract because of willful neglect of duty and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant was charged with violating Local Board policies GBBA and JD and Standard 10 of the Code of Ethics for Educators.

Based upon the evidence presented at a two-day hearing, a tribunal consisting of three educators concluded that there was evidence of other good and sufficient cause to discipline Appellant. The tribunal recommended a 40-day suspension without pay. The Local Board reviewed the tribunal’s report and recommendation and decided to support the Local Superintendent and terminate Appellant’s contract. Appellant then filed an appeal to the State Board of Education.

On appeal, Appellant claims that the tribunal members were biased against her. The only basis for Appellant’s claim is that the tribunal members were retired from the Atlanta Public Schools and draw retirement pay from the school system. Appellant failed to register any objection to the seating of the tribunal members at the start of the hearing and there is nothing in the record to show bias on the part of the tribunal members. The State Board of Education concludes that Appellant’s claim of bias on the part of the tribunal members is without merit.

Appellant also claims that the hearing officer was biased. Appellant's claim is based on the fact that the hearing officer disallowed the testimony of Appellant's witnesses whose testimony the hearing officer deemed irrelevant to the proceedings. Appellant claimed that the witnesses would show that Appellant's principal was biased against her and was engaged in a campaign to discharge her. The hearing officer, however, acted within her discretion, allowing some witnesses and disallowing others, depending on the proximity in time to the incident. The fact that a hearing officer or judge makes some unfavorable rulings during the course of a hearing or trial is not a sufficient ground to claim the hearing officer was biased. Appellant agreed to have the hearing officer serve and voiced no objection; there is nothing in the record to indicate any bias on the part of the hearing officer apart from the unfavorable rulings. The State Board of Education, therefore, concludes that Appellant's claim of bias on the part of the hearing officer is without merit.

Finally, Appellant claims that there was no evidence to support the Local Board's decision. "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 tribunal found that there was insufficient evidence to support the charge of willful neglect of duties, but did find evidence to support the other good and sufficient cause charge. Appellant claims, without citing any support, that "other good and sufficient cause" only involves immorality on the part of a teacher. Although immorality has been found sufficient to support a charge of other good and sufficient cause, other reasons have also supported the charge. In *Duncan v. Clayton Cnty. Bd. of Educ.*, Case No. 1996-10 (Ga. SBE, July 11, 1996), the State Board of Education upheld the dismissal of a teacher who compromised the security of a standardized test. In *Gaines v. Bibb Cnty. Bd. of Educ.*, Case No. 2005-01, a teacher was dismissed after she struck back at a student who hit her and the State Board of Education upheld her dismissal for other good and sufficient cause. In the instant case, there was evidence that the teacher allowed an unlicensed student to drive her car on campus for her own convenience and the student was involved in an accident with another automobile. There was, therefore, some evidence to support the Local Board's decision.

Based upon the foregoing, it is the opinion of the State Board of Education that there was no showing of bias on the part of the tribunal or the hearing officer and that there was evidence to support the Local Board's decision. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of May 2006.

William Bradley Bryant
Vice Chairman for Appeals