

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JULETT CARNAHAN,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-83
	:	
BUTTS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Julett Carnahan (“Appellant”) from a decision by the Butts County Board of Education (“Local Board”) to terminate her contract as a counselor on the grounds of incompetence and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that evidence was improperly admitted and the evidence did not support the Local Board’s decision. The Local Board’s decision is sustained.

Appellant claims there was no evidence to establish that she was incompetent or that other good and sufficient cause existed to terminate her contract as an elementary school counselor. "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).

The Local Superintendent submitted evidence that the faculty did not have any confidence in Appellant as a counselor. There was evidence that Appellant failed to see one student for several days although his referral slip was marked “urgent”, which requires a consultation within 24 hours. Appellant failed to respect the confidentiality of the students by having a sign-in sheet, which listed the student’s name and presenting problem, so that all the parents who signed the sheet could see who preceded them and what problem was being discussed. There was evidence that Appellant failed to present required guidance sessions during August 2005 and in September 2005 until her principal reminded her. There was also testimony that Appellant was unprepared when she presented classroom guidance sessions. The State Board of Education concludes that there was evidence to support the Local Board’s decision.

Appellant claims that she should receive a new hearing because three documents were improperly admitted. Two of the documents were the results of surveys conducted by Appellant's principal that contained the hearsay statements of several teachers. The third document consisted of a series of notes made by Appellant's principal that described the principal's interaction with Appellant on numerous occasions.

Hearsay evidence is admissible in administrative hearings, although the evidence cannot, standing alone, form the sole basis for any finding or decision. *Jacob C. v. Columbia Cnty. Bd. of Educ.*, Case No. 1995-31 (Ga. SBE, Aug. 10, 1995). The hearsay statements contained in the surveys are comparable to the testimony provided by some of the witnesses at the hearing. Their admission, therefore, was not erroneous.

The series of notes made by the principal initially contained some hearsay statements, but the hearing officer had those statements redacted before he admitted the notes into evidence. The notes, therefore, did not contain any hearsay and it was not erroneous to admit them.

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

This _____ day of September 2006.

William Bradley Bryant
Vice Chairman for Appeals