

STATE BOARD OF EDUCATION

STATE OF GEORGIA

CONSTANCE VICTOR,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2008-18
	:	
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Constance Victor (Appellant) from a decision by the DeKalb County Board of Education (Local Board) to terminate her teaching contract after a tribunal found her guilty of insubordination, willful neglect of duties, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. In addition, the tribunal found her guilty of violating Standards 7 and 10 of the Code of Ethics of Educators because she distributed test questions from the Georgia High School Graduation Test¹ to other teachers. Appellant claims that there was no evidence to support the tribunal's findings and the Local Board's decision. The Local Board's decision is sustained.

Appellant, a thirty-year teacher, served as the science department chair at her high school. Appellant's principal assigned to Appellant the duty of gathering Georgia High School Graduation Test review materials for the students in the school. Appellant asked the other teachers whether they had any graphics she could include in the review materials. Another teacher, Marie Beal-Parker, presented Appellant with a packet of questions and told Appellant that she thought the materials would be helpful.² Appellant did not ask Ms. Beal-Parker about the origin of the questions. The questions had answers penciled to the side and had directions printed on them about going to the next page and waiting for instructions.

Appellant copied some of the questions, rearranged them into categories and made overhead transparencies for the review course. Appellant then gave all of the review materials she had gathered to another science teacher, Tanya Mason. Ms. Mason thought the materials contained test questions from the Georgia High School Graduation Test and took her concerns to her principal. The principal notified the central office and an investigation was started. The central office determined that the materials used by Appellant contained test questions that had not been released by the Georgia Department of Education.³

¹ A standardized test prepared by the Georgia Department of Education that has to be passed before a student can graduate from high school.

² See, *Beal-Parker v. DeKalb Cnty. Bd. of Educ.*, Case No. 2008-17 (Ga. SBE, Feb. 14, 2008), a companion case also decided this day.

³ A test specialist from the Georgia Department of Education testified that there were more than 56 questions in the materials that were on the Georgia High School Graduation Test.

The Local Superintendent charged Appellant with insubordination, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. The Local Superintendent also charged Appellant with violating Standards 7 and 10 of the Code of Ethics for Educators and recommended termination of Appellant's teaching contract.

Following a hearing requested by Appellant, a tribunal found that Appellant: (a) "received live/secure test materials from a non-related Georgia High School Graduation Test ('GHSGT') from a fellow teacher"; (b) "failed to determine if these materials contained live/secure test data or questions prior to distributing the information to other teachers"; (c) "distributed these materials to teachers to help review students in preparation for taking the GHSGT and that said materials be copied for said purpose"; and (d) "evidenced poor judgment in failing to ascertain the source of these materials and the content thereof". The tribunal found Appellant guilty of insubordination, willful neglect of duties, and other good and sufficient cause under O.C.G.A. § 20-2-940. The tribunal also found Appellant guilty of violating Standards 7 and 10 of the Code of Ethics for Educators. The tribunal recommended that Appellant be suspended without pay for 20 days. The Local Board adopted the tribunal's findings, but voted to terminate Appellant's teaching contract. Appellant then filed an appeal with the State Board of Education, claiming that there was no evidence she was guilty of any of the charges.

"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, although a veteran teacher, failed to inquire about the source of the questions she received. The questions, however, raised the suspicions of another teacher, who reported to the principal that she thought the questions were from an unauthorized release of the Georgia High School Graduation Test. The Local Board, therefore, could find that Appellant knew that the test questions came from the Georgia High School Graduation Test and willfully neglected her duties by releasing the questions to the students.

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 February 2008.

William Bradley Bryant
Vice Chairman for Appeal