

STATE BOARD OF EDUCATION

STATE OF GEORGIA

FANNIE SEARELS,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2008-29
	:	
CHATTOOGA COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Fannie Searels (Appellant) from a decision by the Chattooga County Board of Education (Local Board) to terminate her teaching contract based upon charges of insubordination, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that there is no evidence to support the charges. The decision of the Local Board is sustained.

Appellant was employed by the Local Board as a special education teacher for four years and has been a teacher for 14 years. On October 12, 2007, the Local Superintendent wrote to Appellant that he was recommending termination of her contract because of insubordination, willful neglect of duty, and other good and sufficient cause. The Local Superintendent alleged that Appellant made “disparaging and inappropriate comments about one of [her] students, in his [the student’s] presence” on August 22, 2007. The Local Superintendent also alleged that Appellant exhibited a lack of professional judgment and an inappropriate attitude toward her students when she left a note with another teacher concerning the placement of special education students to satisfy the parents. The Local Superintendent also charged Appellant with violating the dress code on two different occasions by wearing a skirt that was too short and wearing a blouse that exposed her bra. Additionally, the Local Superintendent charged Appellant with violating school board policy by taking a student’s medication home with her overnight. A hearing was held before the Local Board on October 23, 2007, to consider the charges. At the conclusion of the hearing, the Local Board voted to terminate Appellant’s teaching contract. Appellant then appealed to the State Board of Education.

Appellant claims that the evidence does not support any of the charges and the Local Board’s decision, therefore, was arbitrary and capricious. "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).

Testimony was presented that Appellant left a note on another teacher’s desk on or about August 9, 2007, that said, “You and Marina can put my students into ANY elective class – no matter how advanced – except PE – because they cannot do ANY of it anyway. This is just to please the parents.” (Emphasis in original). Another teacher, who has a special education student enrolled in the school, found

the note and took the note to the principal. The principal warned Appellant to be careful in what she said about her students.

Evidence was also presented that on August 22, 2007, Appellant stopped in the hallway to discuss a special education student with another teacher. While she was talking with the other teacher, Appellant's paraprofessional passed by with the student and two other special education students and then stopped with the students a short distance away from Appellant and the other teacher. The student has cerebral palsy and during the conversation with the other teacher, Appellant commented that the student's grandmother wanted him to become a doctor or a lawyer but that he would probably die before he was 21. Appellant claims she was unaware the student was nearby or within hearing distance but the paraprofessional, however, testified that she overheard parts of the conversation and the student could have also overheard the comment.

On August 29, 2007, Appellant wore a skirt that had a slit in the side that violated the dress code because the slit was too high. The dress code provides that skirts cannot be shorter than fingertip length and that the slits in skirts cannot be above mid-thigh. The assistant principal testified that the skirt was long enough, but the slit came above mid-thigh. The next day, Appellant met with the principal and assistant principal to discuss her skirt. The principal testified that he could see Appellant's bra because she was wearing a v-neck blouse that he considered inappropriate.

Evidence was also presented that student medications were supposed to be locked in the central office where they were supposed to be administered, but throughout the school this policy was not followed and medications were kept in the classrooms and were administered by the teachers and the paraprofessionals. On one occasion, on a Saturday, Appellant found a student's medicine in a place she thought was unsafe and she took the medicine home, which was contrary to Local Board policy.

The Local Board found that Appellant's repeated violations of the dress code, the making of inappropriate comments about special education students, and the removing of medicines from the school constituted insubordination and willful neglect of duty. The Local Board also found that Appellant lacked professional judgment and exhibited an inappropriate attitude that warranted her dismissal for other good and sufficient cause.

Based upon the foregoing and the record below, 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 May 2008.

William Bradley Bryant
Vice Chairman for Appeals