

STATE BOARD OF EDUCATION

STATE OF GEORGIA

TRECIA MAUPIN,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2008-36
	:	
WHITFIELD COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Trecia Maupin (Appellant) from a decision by the Whitfield County Board of Education (Local Board) to terminate her employment as a special education teacher because she failed to disclose that she had resigned from another school system rather than face disciplinary charges. Appellant claims she did not misrepresent any facts when she sought employment with the Local Board. The Local Board's decision is sustained.

On June 18, 2007, Appellant completed an application for employment with the Local Board. The application asked whether she had ever been dismissed from the employment of a school system, whether she had ever been asked to resign, and whether she had ever resigned in lieu of non-renewal. Appellant answered "No" to each question, but she had resigned from a Tennessee school system in 2003 as part of a settlement after charges were brought against her. After her resignation, Appellant filed a complaint with the Tennessee Human Rights Commission in which she claimed she had been "fired" by the Tennessee school system. She also filed a claim with the Equal Employment Opportunity Commission in which she claimed she had been "forced to resign" her position with the Tennessee school system. When these facts became known to the Whitfield County School System, the Local Superintendent sought Appellant's termination because she misrepresented her departure from the Tennessee school system.¹ The Local Board conducted a hearing and voted to terminate Appellant's contract based on the charges of insubordination, willful neglect of duty, immorality, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant then filed an appeal with the State Board of Education.

On appeal, Appellant claims that she did not misrepresent the truth in her application answers. She also claims that she was denied due process because the hearing

¹ Information about Appellant's departure from the Tennessee school system became known during an investigation of another matter unrelated to Appellant's application for employment and not germane to this appeal.

officer would not continue the hearing so she could obtain an interpretation of the law contained in O.C.G.A. § 20-2-940.

"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). Despite Appellant's contention that she had not previously been asked to resign, Appellant admitted during the hearing that she had been asked to resign. In addition, she testified that she did not believe the information would be made known to subsequent employers because of the settlement agreement she signed before her resignation. Additionally, the Local Board had Appellant's written statements to the Tennessee Human Rights Commission and the Equal Employment Opportunity Commission that she had been fired and forced to resign. Based upon these facts, the Local Board could have determined that Appellant attempted to mislead the Local Board with the answers she gave in her application for employment. The State Board of Education, therefore, concludes that there was evidence to support the Local Board's decision.

Appellant also claims that she was denied due process because the hearing officer would not adjourn the hearing so she could get an interpretation of O.C.G.A. § 20-2-940. Appellant, however, received notice before the hearing that the charges against her were being made under the provisions of O.C.G.A. § 20-2-940, thus giving her sufficient time to obtain her interpretation before the hearing began. Appellant received timely notice of the charges and has not shown that due process required adjournment of the hearing to enable her to accomplish something that should have been done before the hearing began. Accordingly, the State Board of Education concludes that the Local Board did not deny Appellant any due process.

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 and that the Local Board did not deny Appellant any of her due process rights. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of May 2008.

William Bradley Bryant
Vice Chairman for Appeals