

STATE BOARD OF EDUCATION

STATE OF GEORGIA

KAREN ABBOTT,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2008-49
	:	
LANIER COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by Karen Abbott (Appellant) from a decision by the Lanier County Board of Education (Local Board) to terminate her teaching contract because of incompetency, 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 the evidence did not support the charges. The Local Board's decision is sustained.

The Local Board employed Appellant as a middle school teacher. On September 7, 2007, Appellant removed a student from her classroom and sent the student to the principal's office because the student had been using a calculator during preparation for the criterion-referenced competency tests (CRCT). Appellant's principal escorted the student back to Appellant's classroom where he observed that many other students were also using calculators despite the fact that the students were not supposed to use calculators while preparing for the CRCT. The principal asked Appellant why she had sent the student out of the room, but Appellant did not respond. The principal then told Appellant that her students were not supposed to be using calculators while preparing for the CRCT. Appellant said she let her students use calculators when they were using large numbers.

After the principal left Appellant's classroom, Appellant removed the student again from her classroom, claiming that the student was supposed to be in alternative school. When the principal learned that Appellant had again removed the student from her classroom, he sent her an email and told her to meet him later in the afternoon in his office. Before the meeting, the principal called Appellant to be sure she had received the email. When the principal told Appellant to be at the meeting, Appellant responded, "I don't think so. You've been wanting to fire me for two years, now is your chance." Appellant then hung up on the principal.

In the morning, before school started, on September 10, 2007, the principal asked Appellant to provide him with the grade distributions of her students before lunch because he was having a meeting with some parents who had complained about the

grades their children received from Appellant. Appellant did not provide the grade distributions and the principal had to prepare them himself. The principal learned that 69 percent of Appellant's sixth graders were failing and 48 percent of her seventh graders were failing, while none of her students had an "A" grade. The principal again asked Appellant to meet with him to discuss the grade distributions, but Appellant did not come to the meeting. The principal scheduled another meeting, but Appellant did not attend the second meeting. The principal then turned the matter over to the Local Superintendent, who wrote a letter to Appellant and directed her to meet with the principal on September 14, 2007. When the Local Superintendent attempted to personally deliver the letter to Appellant, she told the Local Superintendent to get out of her classroom and attempted to close the door of her classroom on him. The Local Superintendent had to put his foot in the door to prevent her from closing it on him. Appellant refused to take the letter from the Local Superintendent and he left it on her desk. Appellant was not in school on September 14, 2007, and the principal rescheduled the meeting on September 17, 2007. Appellant, however, failed to attend the rescheduled meeting.

The Local Superintendent then sent a letter to Appellant that directed her to attend a meeting in his office with him and the principal on September 21, 2007 at 9:30 a.m. The letter concluded, "No excuses will be accepted for not following this directive and attending this meeting. If you do not comply with this directive, it will serve as grounds for my recommendation for your termination to the members of the board of education." Despite these warnings, Appellant did not appear for the meeting.

The Local Superintendent recommended termination of Appellant's teaching contract based on charges of insubordination, incompetence, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. The Local Board conducted a hearing and, after hearing the evidence, voted to terminate Appellant's teaching contract. Appellant then appealed to the State Board of Education, claiming that there was no evidence to support 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). Insubordination is the "willful disobedience of, or refusal to obey, a reasonable and valid rule, regulation or order issued by the school board or an administrative superior." *Woods v. Fulton Cnty. Bd. of Educ.*, Case No. 1991-13 (Ga. SBE, June 13, 1991). In the instant case, there was evidence that Appellant was insubordinate by refusing to attend several meetings that she was directed to attend by both her principal and the Local Superintendent. Appellant claims that she did not attend the meetings because she wanted to have a Georgia Association of Educators representative present with her, but she did not convey her desire to the principal or the Local Superintendent when they scheduled the meetings. Instead, she simply refused to

obey their directives and generally showed a defiant, uncooperative attitude.¹ The State Board of Education, therefore, concludes that there was evidence that Appellant was insubordinate, and there was good and sufficient cause to terminate Appellant's teaching contract.

Based upon the foregoing and upon 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 June 2008.

William Bradley Bryant
Vice Chairman for Appeal

¹ Appellant was already under a professional development plan initiated at the end of the previous school year that directed her to work on her interrelationships with other teachers and students.

