

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>MARY JON TAYLOR,</b>	:	
	:	
<b>Appellant,</b>	:	
<b>vs.</b>	:	<b>CASE NO. 1991-8</b>
	:	
<b>LEE COUNTY</b>	:	<b>DECISION</b>
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

Mary Jon Taylor (“Appellant”) has appealed from a decision by the Lee County Board of Education (“Local Board”) not to renew her teaching contract on the grounds of willful neglect of duties and other good and sufficient causes. Appellant claims that the evidence does not support the Local Board’s decision. We affirm the Local Board’s decision.

Appellant has taught for 28 years, and taught the fifth grade for the Local Board for the last nine years. Prior to April 15, 1990, Appellant was notified that the Local Superintendent would not recommend renewal of her teaching contract for the 1990-1991 school year. Appellant requested a hearing before the Local Board and a list of the charges against her.

On May 29, 1990, a charge letter was sent to Appellant. The charge letter stated that Appellant was charged with willful neglect of duty and other good and sufficient cause for non-renewal because Appellant had the ability to be a good teacher but had refused to improve her teaching techniques. The letter further stated that if Appellant maintained that she was unable to perform the duties for any reason, then she was incompetent because they were the duties required of every other teacher in the school system. The letter then listed numerous specific instances where Appellant had failed to perform her duties as a teacher.

A hearing was conducted before the Local Board on June 12, 1990. Evidence was presented that Appellant had been repeatedly advised for the prior two years that she was not performing at an appropriate level. Her contracts for both the 1988-1989 school year and the 1989-1990 school year were made contingent upon her completing a remedial program. Despite constant review, suggestions for improvement, staff development training, and counseling, Appellant’s performance continued to remain below standard. During the course of several observations made during the 1989-1990 school year, Appellant received unsatisfactory ratings. The evidence showed that she gave the students incorrect information, that she failed to question the students to determine if they were learning anything, and that she criticized students in the class. The evidence also showed that her students were not at grade level despite the fact that they had been at grade level when they entered her class and were at grade level in their other classes. Evidence was also presented that Appellant failed to correctly grade her students and that she did not maintain her classroom in an orderly manner.

Appellant presented evidence that showed that she had undergone several personal problems during the 1989-1990 school year. At the beginning of the year, she fell and received a black eye and bruised face. In November, she broke her finger. Her mother's house was flooded in March, 1990 and her own house was flooded two weeks later. At the time of the hearing, her mother was in the critical care unit of the hospital following a heart attack.

At the end of the hearing, the Local Board voted to uphold the charges made by the Local Superintendent. The Local Board did not make any findings of fact despite Appellant's request for findings of fact. An appeal was then made to the State Board of Education.

Appellant claims on appeal that the evidence does not establish that she willfully neglected her duties under the standards established in Terry v. Houston Cnty. Bd. of Educ., 178 Ga. App. 296 (1986). In Terry, the Court stated that willful neglect of duty required evidence of a flagrant act or omission, or an intentional violation of a known rule or policy, or a continuous course of reprehensible conduct, and that mere negligence is insufficient to establish willful neglect of duty.

The State Board of Education is required to uphold the decision of a local board of education if there is any evidence to support the local board's decision. Ransum v. Chattooga Cnty. Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene Cnty. Bd. of Educ., Case No. 1976-il (Ga. Bd. of Ed., Sep. 8, 1976). In this case, the record contains significant evidence to support the Local Board's decision.

There was evidence that Appellant committed several flagrant acts or omissions in carrying out her duties. She failed to grade papers and stacked them in her closet; she did not send parental permission forms home for the students to participate in the fluoride rinse program; she failed to communicate with the parents despite continual urging and directives by the principal and assistant principal; she failed to discipline and monitor her students, and she failed to keep her students on grade track. There are numerous other examples of acts of omission and commission that support the charge letter statement that Appellant either willfully neglected her duties or was incompetent. Notwithstanding the principal's testimony that Appellant was a competent teacher, her actions showed either incompetence or willful neglect of duty. We also believe that the totality of the evidence supports other good and sufficient cause not to renew Appellant's contract.

Appellant also claims on appeal that the Local Board erred by not making findings of fact, and that the Local Board erred in admitting a videotape made of Appellant's room while she was absent. Neither of these claims requires reversal of the Local Board's decision. We have previously held that local boards are not required to make findings of fact. See, e.g., Wright v. Dodge Cnty. Bd. of Educ., Case No. 1978-4 (Ga. Bd. of Ed., Apr. 13, 1978). Admission of the videotape was a harmless error if it was an error since there was substantial other evidence to support the charges.

For the foregoing reasons, the State Board of Education is of the opinion that there was evidence to support the Local Board's decision that Appellant willfully neglected her duties and there was other good and sufficient cause not to renew her teaching contract. The Local Board's decision, therefore, is hereby

AFFIRMED.

This 11<sup>th</sup> day of April, 1991.

Mr. Blanchard, Mr. Carrell and Mr. Sears were not present.

Larry A. Foster  
Vice Chairman for Appeals