

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>AMY C. ROURK,</b>	:	
	:	
	:	
<b>Appellant,</b>	:	<b>CASE NO. 2003-40</b>
	:	
<b>vs.</b>	:	
	:	
	:	
<b>COLUMBIA COUNTY</b>	:	<b>DECISION</b>
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>		

This is an appeal by Amy C. Rourk (Appellant) from a decision by the Columbia County Board of Education (Local Board) to terminate her teaching contract after finding her guilty 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 the evidence does not support the decision. The Local Board’s decision is sustained.

Appellant was employed by the Local Board as a social worker. In January 2002, the daughter of a custodial worker was absent from school. Appellant called the custodial worker and told the custodial worker that she would be arrested if the daughter was not at school within 30 minutes. The custodial worker did not have an automobile so she could leave school to pick up the daughter so she went to her principal. The principal intervened and had the daughter picked up and brought to the school.

Appellant became angry with the principal and accused the principal of violating the ethical standards of teachers. The principal reported the incident to the assistant superintendent, who served as Appellant’s immediate supervisor. The assistant superintendent asked Appellant to tell him how the principal had violated any ethical standards. Appellant was unable to name any ethical standards the principal had violated. Instead, through a series of meetings and email exchanges with the assistant superintendent, Appellant began making accusation against the assistant principal. When Appellant failed to be responsive to his requests for an explanation of the various charges she was making, the assistant superintendent issued a formal letter of reprimand and directed her to refrain from making unfounded accusations.

Later, in April 2002, Appellant refused to sign a performance evaluation form prepared by the Assistant Superintendent. Appellant accused the Assistant Superintendent of acting like the Klu Klux Klan.

In December 2002, the Assistant Superintendent learned that Appellant had taken a student off campus in her private vehicle. When the Assistant Superintendent told Appellant that

she needed to follow prescribed policies in transporting children, Appellant told the Assistant Superintendent that she would assume the responsibility for any decisions she made regarding the transportation of children. The Assistant Superintendent met with Appellant to discuss the issue with her. During the meeting, Appellant accused the Assistant Superintendent of just being a pawn of the Superintendent, that she believed the Superintendent and the Assistant Superintendent were responsible for removing a sign from her office door, and that the Assistant Superintendent's treatment of her was a "southern thing."

The Assistant Superintendent directed Appellant to provide him with an explanation of her accusations, but Appellant failed to answer him until the Assistant Superintendent gave her a deadline to respond to his directive. Appellant's response, however, did not provide any explanation of her accusations, but continued with accusations of improper treatment. The Assistant Superintendent then recommended termination of Appellant's contract because of insubordination, willful neglect of duties, and other good and sufficient cause. The Superintendent agreed with the Assistant Superintendent and recommended termination of Appellant's contract to the Local Board.

The Local Board conducted a hearing on the charges made against Appellant. At the conclusion of the hearing, the Local Board decided to terminate Appellant's contract. Appellant then filed an appeal with the State Board of Education.

On appeal to the State Board of Education, Appellant claims that the evidence does not support the Local Board's decision. "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, Appellant does not dispute that the incidents occurred but claims that she was not insubordinate. Appellant, however, had specific directives from the Assistant Superintendent to provide him with an explanation of the charges she was making against him and she refused to provide him with an explanation. In addition, the evidence shows that Appellant began making accusations against her colleagues and supervisors whenever she disagreed with them. The State Board of Education, therefore, concludes that there is some evidence to support the Local Board's decision.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision is supported by the evidence. Accordingly, the Local Board's decision is AFFIRMED.

This \_\_\_\_\_ day of June 2003.

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Wanda T. Barrs  
Chair, State Board of Education