

STATE BOARD OF EDUCATION

STATE OF GEORGIA

FREDONIA RAY,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2005-45
	:	
LOWNDES COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Fredonia Ray (Appellant) from a decision by the Lowndes County Board of Education (Local Board) to uphold the decision by the Local Superintendent to issue a letter of reprimand to Appellant. The Local Superintendent issued the letter of reprimand to Appellant and charged her with unprofessional and inappropriate behavior because Appellant wrote a letter to the Local Board stating that she disagreed with the manner in which the Local Superintendent handled a controversy involving a book that was on the advanced placement curriculum. Appellant claims that her letter did not constitute an attack on the Local Superintendent. The Local Board’s decision is sustained.

Appellant, an English teacher in the Lowndes County High School, served as the advance placement coordinator. In August 2004, a parent registered a complaint about a book that was on the reading list for advance placement students.¹ The Local Board policy on parent complaints about books provides for the appointment of a committee to review the book and make a recommendation to the Local Superintendent. If the complaining party is dissatisfied with the committee’s recommendation, the party has the right to file an appeal with the Local Superintendent. Appellant was appointed to serve on the committee to review the book that the parent complained about.

The committee decided to keep the book in the curriculum but to inform parents that their children could select an alternate book to read if they found the book to be offensive. The Local Superintendent then wrote to the parent that he was “prohibiting the use of The Bean Trees and The Bluest Eye as required reading.” Appellant felt the Local Superintendent had rejected the committee’s recommendation without discussing the situation with anyone on the committee. Consequently, Appellant wrote a letter to the Local Board members and stated that the teachers had not received any support throughout the controversy involving the books and that she thought that the Local

¹ See, *Martin v. Lowndes Cnty. Bd. of Educ.*, Case No. 2005-44 (Ga. SBE, June 9, 2005) for more details on the protest.

Superintendent's rejection of the committee's decision was going to exacerbate the ill will that had been engendered during the controversy.

Upon receiving the letter, the Local Superintendent wrote a letter to Appellant in which he said that he felt that her actions were an attempt to undermine his authority and constituted a personal attack upon him. He ordered her to refrain from making any "further disruptive employment-related communications" regarding the book incident, and warned her that any further disruptive behavior would be considered insubordination. Appellant then appealed to the Local Board.

The Local Board, after conducting a hearing and receiving the above-stated information, voted to affirm the Local Superintendent's action. Appellant then filed an appeal to the State Board of Education.

Appellant claims on appeal that she had the right to write to the members of the Local Board to voice her concerns and that she did not violate any Local Board policy. The Local Board argues that if Appellant had concerns about the Local Superintendent's actions, she should have first gone to him and discussed them with him before going to the Local Board. Had she gone to the Local Superintendent, she would have learned that it was not his intent to circumvent the committee's decision, that he was merely placating the parent by couching the committee's decision in different language that emphasized the fact that a student did not have to read a book if they found it offensive.

"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, there was evidence that Appellant did not discuss the Local Superintendent's response to the parent before she wrote a letter to the Local Board and that had she done so she could have avoided all of the subsequent turmoil created by her letter to the Local Board. Although it does not appear that Appellant violated any policy of the Local Board, and the Local Superintendent never accused her of violating any policy, a local superintendent does have the authority to issue letters to employees that direct them to refrain from disruptive activities or face the consequences of being charged with insubordination. Unlike the situation in *Martin v. Lowndes Cnty. Bd. of Educ.*, Case No. 2005-44 (Ga. SBE, June 9, 2005), this case does not involve a situation where a teacher is accused of unprofessional conduct without any support for such an accusation, but, instead, involves a simple directive from the Local Superintendent to an employee to refrain from what he, and the Local Board, deemed to be disruptive activity.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion in affirming the Local Superintendent's

issuance of a cease and desist letter to Appellant. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of June 2005.

William Bradley Bryant
Vice Chairman for Appeals