

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>LITA BROWN,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
v.	:	<b>CASE NO. 2011-30</b>
	:	
<b>DEKALB COUNTY SCHOOL</b>	:	<b>DECISION</b>
<b>SYSTEM,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Lita Brown from a decision by the DeKalb County School System (“Local Board”) non-renewing her employment contract for the 2010-2011 school year. The Local Board charged Appellant with incompetency, insubordination, willful neglect of duties, and other good and sufficient cause pursuant to O.C.G.A. § 20-2-940. After a hearing, the Local Board non-renewed Appellant’s employment contract on all the charges, except incompetency. On appeal, Appellant challenges the sufficiency of the evidence supporting the Local Board’s decision. For the reasons set forth below, the decision of the Local Board is **SUSTAINED**.

**I. PROCEDURAL BACKGROUND**

On or about May 12, 2010, Appellant was notified that her annual contract for the 2010-2011 school year was being recommended for non-renewal. Appellant appealed the non-renewal recommendation of her employment contract. A tribunal for the School Board was convened at which Appellant was provided the opportunity to present evidence and to subpoena witnesses. At the conclusion of the hearing, the tribunal unanimously voted to uphold the non-renewal of Appellant’s employment contract on all charges, except the charge of incompetency. The Local Board affirmed the decision of the hearing tribunal. Appellant has appealed the decision of the Local Board to the State Board of Education (“State Board”).

**II. FACTUAL BACKGROUND**

Appellant was employed as a media specialist at Avondale High School. Appellant held this position for three (3) years. As a media specialist, Appellant was responsible for overseeing the media center and working with teachers and students in using the resources in the media center. In the fall of 2009, the Principal issued Appellant a Performance Development Plan (“PDP”) in which Appellant was notified of performance concerns. Specifically, the PDP identified concerns regarding interacting in a professional manner with students, parents and colleagues, working cooperatively with administrators and support personnel, attending meetings, and creating a welcomed and organized media center. In

addition, the Principal asked Appellant to maintain and update the bulletin board with a book of the month. The Principal also asked Appellant to update the school's website.

At the hearing, the Principal testified about the reasons she recommended the non-renewal of Appellant's contract. The Principal testified that she received complaints regarding Appellant's interaction with teachers and the administration. The Principal testified that Appellant's interaction with her was inappropriate and insubordinate. The Principal testified that Appellant slammed the door to her office after a meeting and that she was sarcastic and disrespectful towards her. The Principal testified that Appellant failed to attend meetings. The Principal further testified that Appellant was asked to update the bulletin board and website, but did not do so.

The Principal testified that a student complained to her that Appellant called him a "dumb-ass." The Principal testified that when she asked Appellant about the comment, the Appellant admitted to calling the student a "dumb-ass." The Appellant disputes calling the student a "dumb-ass" or admitting to using the profanity.

An Assistant Principal testified that she asked Appellant to laminate several documents and that Appellant refused to do so. A teacher testified that, in her dealings with Appellant over media equipment, Appellant was rude, had an attitude, and was not supportive. The bookkeeper testified that Appellant was asked to obtain a quote for books and instead ordered the books. When the administrator asked Appellant about this matter, the Appellant was rude and "went ballistic." On another occasion, the bookkeeper and her son were in the library. The son wears a patch on his eye due to a disability. Appellant saw the child and shouted "Pirate patches. Oh, I like patches." Appellant's comments upset the child.

### **III. ERRORS ASSERTED ON APPEAL**

On appeal, Appellant challenges the sufficiency of the evidence. However, the State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision of the Local Board, unless there is abuse of discretion or the decision is arbitrary and capricious as to be illegal. See Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 1976). For the reasons set forth below, the State Board finds that the record contains legally sufficient evidence to support the decision of the Local Board.

In this case, the record shows that the Principal placed Appellant on a PDP. Specifically, the PDP identified concerns regarding interacting in a professional manner with students, parents and colleagues, working cooperatively with administrators and support personnel, attending meetings, and creating a welcomed and organized media center. In

addition, the Principal asked Appellant to maintain and update the bulletin board with a book of the month. The Principal also asked Appellant to update the school's website.

The record shows that the Principal received complaints regarding Appellant's interaction with students and colleagues. The record further shows that Appellant failed to work cooperatively with teachers and administrators. Specifically, Appellant refused to laminate several documents when asked to do so by the Assistant Principal. Appellant was rude and unsupportive to a teacher regarding the use of media equipment. Appellant was rude and "went ballistic" on the bookkeeper when she confronted Appellant after Appellant erroneously ordered books when she was asked to obtain a quote for books. Appellant later upset the son of the bookkeeper by shouting, "Pirate patches. Oh, I like patches." when she saw the son.

The Principal testified that a student complained that Appellant called him a "dumb-ass." When she asked Appellant about the comment, the Appellant admitted to the profanity. Based upon these events, the Principal concluded that Appellant's interaction was unprofessional and her conduct insubordinate. The Appellant disputes these events. However, the record contains evidence to support these allegations.

In addition, the Principal testified that Appellant did not update the bulletin board and website, and that she failed to attend meetings. Appellant again disputes these allegations. However, the record contains evidence supporting the Principal's allegations. This evidence is sufficient to support the decision of the Local Board.

#### IV. CONCLUSION

Based upon the reasons set forth above, it is the opinion of the State Board of Education that the evidence supports the decision of the Local Board and it is, therefore, **SUSTAINED**.

This \_\_\_\_\_ day of February 2011.

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MARY SUE MURRAY  
VICE CHAIR FOR APPEALS