

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ROBERT C. LANSFORD

Appellant,

V.

**THE BOARD OF PUBLIC
EDUCATION FOR THE CITY
OF SAVANNAH AND THE
COUNTY OF CHATHAM**

Appellee.

CASE NO. 1983-5

ORDER

THE STATE BOARD OF EDUCATION, after due consideration of the motion for reconsideration herein and after a vote in open meeting,

DETERMINES AND ORDERS, that the motion for reconsideration be and hereby is denied.

Mr. Temples was not present.

This 8th day of September, 1983.

LARRY A. FOSTER, SR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ROBERT C. LANSFORD,

Appellant,

V.

**THE BOARD OF PUBLIC
EDUCATION FOR THE CITY
OF SAVANNAH AND THE
COUNTY OF CHATHAM,**

Appellee.

CASE NO. 1983-5

ORDER

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Board of Public Education for the City of Savannah and the County of Chatham herein appealed from is hereby sustained.

Mr. McClung was not present.

This 12th day of May, 1983.

LARRY A. FOSTER, SR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ROBERT C. LANSFORD,

Appellant,

V.

THE BOARD OF PUBLIC EDUCATION
FOR THE CITY OF SAVANNAH AND
THE COUNTY OF CHATHAM,

Appellee.

CASE NO. 1983-5

REPORT OF HEARING OFFICER

This is an appeal by Robert C. Lansford (hereinafter "Appellant") from a decision by the Board of Public Education for the City of Savannah and the County of Chatham (hereinafter "Local Board") to demote him from his position as evening co-ordinator of the technical vocational school because of willful neglect of duty in permitting student records to become disorganized. Appellant maintains that the evidence presented at a hearing before the Professional Practices Commission did not support the decision and that the action of the Local Board was arbitrary and capricious. The Hearing Officer recommends that the decision of the Local Board be sustained.

Appellant served as an evening division coordinator in the technical vocational school for seven years. In September, 1981, three evening divisions were consolidated into one program and Appellant's duties were substantially increased. In January, 1982, Appellant discovered and reported that he thought some cash receipts had been stolen. A subsequent audit by the Local Board revealed that the evening division student records were in a complete state of disarray. Many of the permanent records did not have any information on them other than the student's name and the student's grades had not been entered. Computer cards that were supposed to be forwarded to a State office were

found in Appellant's secretary's desk drawer. Appellant was charged with willful neglect of duty, unprofessional conduct, and violation of board policy because of his failure to supervise the secretary and thus permit the student records to be improperly maintained. A hearing was conducted by the Professional Practices Commission on September 28, 1982. The Professional Practices Commission found that Appellant had willfully neglected his duties and recommended his demotion. On November 8, 1982, the Local Board adopted the recommendation of the Professional Practices Commission and demoted Appellant. Appellant filed his appeal to the State Board of Education on December 7, 1982.

Appellant maintains on appeal that the evidence presented to the Professional Practices Commission did not support the findings and recommendation of the Commission, that no reason existed for the decision of the Local Board, and that the decision of the Local Board was arbitrary and capricious.

During the hearing before the Professional Practices Commission, Appellant readily admitted that he was responsible for exercising control over his secretary and over maintaining the student records, and that the student records were in a state of disarray in that they were incomplete and improperly reported. He argues, however, that his admissions do not constitute evidence that he willfully neglected his duties because his duties were such that he was understaffed, had inadequate space, and did not have sufficient time to accomplish the duties assigned to him. In other words, even though he had the responsibility and the records were in a state of disarray, Appellant argues that he did not have any control of the situation because he was not given any support by the Local Board, even though he had requested help. Under the circumstances, he argues, his duties were executed as well as anyone could have executed them.

The Local Board, however, argues that Appellant was unaware of the condition of the records and he did not exercise his supervisory duties when he permitted the records to become disorganized without his knowledge. The Local Board argues that it is one thing to be aware of a situation and request assistance because of the situation, but it is quite another when the person responsible for a given task is totally unaware of any problems. The Local Board maintains that since Appellant was unaware of the condition of the records, he failed to carry out his duties and exercise his responsibilities.

The State Board of Education follows the rule that if there is any evidence to support the decision of a local board of education, the decision will not be disturbed upon review. See, *Ransum v. Chattooga County Bd. of Ed.*, 144 Ga. App. 783 (1978); *Antone v. Green*, Case No. 1976-11. In the instant case, the record shows that Appellant was “shocked” when he discovered the condition of the records; he did not have any idea they were incomplete and not filed. He was unaware that the secretary had not been sending computer cards to a reporting center, but instead had been placing them in her desk drawer. Appellant’s lack of awareness occurred even though only he and the secretary were in the office and he did not have any other staff people to supervise. During the hearing, Appellant testified that he checked the students’ records when they graduated, and all of the records he reviewed in this manner were complete. As a result, he did not have any indication that the student records were incomplete and in a state of disarray. The workload imposed upon Appellant and the secretary was considerable and he had requested assistance, but his request was made for reasons other than that the student records were not being properly maintained.

The Local Board expected its managers to be aware of their areas of responsibility and to determine methods for monitoring and controlling the execution of their responsibilities. It anticipated that its supervisors would institute steps which would provide some measure of how the responsibilities were being carried out. In this instance, Appellant

did not have any system for determining the condition of the student records prior to graduation. Even though there were only two people in the office, Appellant was oblivious to the condition of the records. The Hearing Officer concludes that the expectations of the Local Board were not unreasonable and that Appellant did not exercise his responsibilities as evening division coordinator by permitting the student records to be incomplete and in a state of disarray.

Based upon the foregoing findings and conclusions, the record submitted, and the briefs and arguments of counsel, the Hearing Officer is of the opinion that there was evidence presented to the Professional Practices Commission which supported its recommendation, and that the decision of the Local Board to demote Appellant was not arbitrary and capricious. The Hearing Officer, therefore, recommends that the decision of the Local Board be sustained.

L. O. BUCKLAND
Hearing Officer