

STATE BOARD OF EDUCATION

STATE OF GEORGIA

BUFORD BURKS,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2004-36
	:	
DOUGHERTY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Buford Burks (Appellant) from a decision by the Dougherty County Board of Education (Local Board) to terminate his teaching contract because of insubordination. Appellant claims that the evidence did not show that he was willfully insubordinate. The Local Board's decision is sustained.

On November 19, 2003, a female student claimed that she saw a note on Appellant's desk that had some sexually explicit language on it. The student disrupted the class and Appellant rang a bell that summoned the principal and an assistant principal to his class. When the principal learned what the problem was, he asked Appellant to let him see the piece of paper so he could verify or disprove the student's story. Appellant refused to let him have the paper, saying that it contained personal information that he was not going to share with anyone else. The principal then took Appellant to his office where he continued to direct Appellant to let him see the paper and Appellant continued to refuse. The principal then called a deputy superintendent to come to the school to assist with the situation and told Appellant to remain in his office and await the deputy superintendent's arrival. Appellant claims that the principal then began cursing and he decided to leave the principal's office, taking the paper with him, and went to his classroom since it was his planning period. He claims he left the principal's office to avoid a scene. When the deputy superintendent arrived, Appellant told him that he had written a note as a response to a question from a student in his first period class, but he had put the note into a folder and was grading papers when the female student claimed she saw the paper with the sexually explicit language. Appellant claimed that the student fabricated the whole story because Appellant had reprimanded her the previous day for coming to school without her book. He also reprimanded her that day because she had forgotten her book again.

Based upon these events, the Local Superintendent charged Appellant with insubordination and asked the Local Board for Appellant's dismissal. The Local Board conducted a hearing, heard the evidence, and decided to uphold the Local

Superintendent's recommendation. Appellant then filed an appeal with the State Board of Education.

On appeal, Appellant makes the same claims he made before the Local Board: the student fabricated her story and he was not willfully insubordinate.

Whether the student fabricated her story or not was never an issue in the hearing. Appellant was charged with insubordination because he refused to turn over the paper to his principal after being told to do so, and because he left the principal's office after being told to stay there until the deputy superintendent arrived. Thus, although the student's allegation was the triggering event, the truth of the student's statement did not have any impact on Appellant's failure to turn over the paper or remain in the principal's office.

Appellant also claims that he was not willfully insubordinate, but the record shows that Appellant deliberately refused to turn the paper over to his principal after being ordered to do so, and he deliberately left the principal's office after being told to remain there until the deputy superintendent arrived. Thus, despite Appellant's protestations, his actions and insubordination were willful.

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of May 2004.

William Bradley Bryant
Vice Chairman for Appeals