

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

GLYN SERVY,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 2010-81
	:	
COWETA COUNTY BOARD OF EDUCATION,	:	DECISION
	:	
	:	
Appellee.	:	

This is an appeal by Glynn Servy from a decision by the Coweta County Board of Education (“Local Board”) to terminate his employment contract pursuant to O.C.G.A. § 20-2-940(a) on the grounds of willful neglect of duty, immorality, and other good and sufficient cause. Specifically, Appellant was terminated based upon his actions in playing an inappropriate video, and using an inappropriate name in referencing a student. On appeal, Appellant contends that the Local Board’s decision is not supported by the evidence. For the reasons set forth below, the decision of the Local Board is SUSTAINED.

I. PROCEDURAL BACKGROUND

On or about December 8, 2009, Appellant was notified that his annual contract for the 2009-2010 school year was being recommended for termination. Appellant appealed the termination of his employment contract. The Local Board provided the Appellant a hearing with the opportunity to present evidence. After hearing the evidence, the Local Board terminated Appellant’s employment contract. Appellant has appealed the decision of the Local Board to the State Board of Education (“State Board”).

II. FACTUAL BACKGROUND

Appellant began his employment with the Local Board for the 2009-2010 school year. Appellant was employed as a Spanish teacher at Newnan High School. In the fall of 2009, at the request of a student, Appellant played a YouTube video entitled “Becky Song.” Appellant did not preview the video before playing it, and did not obtain preapproval to play it. Upon playing the video, Appellant realized that it contained sexually explicit language about a girl named “Becky” engaging in oral sex.

At the hearing, two students testified that, prior to playing the “Becky Song” video, Appellant called a student “Becky” even though this was not her name. Appellant denies doing so. At the hearing, the students also testified that Appellant called this same student “Becky” on

at least five occasions after playing the video. Appellant admits to having done so on two occasions on accident.

On or about November 18, 2009, Appellant wrote the name “Becky” in reference to the student on the chalkboard. The student testified that Appellant began to write her correct name, and then erased it and wrote “Becky.” Appellant denies beginning to write the student’s name correctly, but admits writing her name down as “Becky.” At the time, Appellant was aware that “Becky” was not her name and was aware of the sexual meaning to the name from the YouTube video.

III. ERRORS ASSERTED ON APPEAL

A. Record Evidence.

Appellant asserts that the evidence in the record does not support the Local Board’s decision. 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. 8, 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.

On Appeal, Appellant contends that he did not engage in willful neglect of his duties and that good and sufficient cause does not exist to support his termination. A “willful neglect of duty” requires “a flagrant act or omission, an intentional violation of a known rule or policy, or a continuous course of reprehensible conduct. . . . [W]illfulness’ requires a showing of more than mere negligence.” Terry v. Houston County Bd. of Educ., 178 Ga. App. 296 (1986).

In this case, the record shows that Appellant played an inappropriate video that contained explicit sexual language regarding oral sex. The song included a derogatory use of the name Becky as the female engaging in oral sex. The record further shows that, after becoming aware of the slang connotation to the name “Becky,” Appellant called a student “Becky” even though it was not her name. Moreover, Appellant admits to writing the name “Becky” in reference to this student on the chalkboard. Thus, there is sufficient evidence to conclude that Appellant knowingly engaged in intentional and reprehensible conduct.

On appeal, Appellant further contends that his actions were inadvertent. However, the hearing tribunal, as the trier of fact, heard the evidence. The hearing tribunal heard the testimony of the students and Appellant’s explanation that his use of the word “Becky” was inadvertent. The hearing tribunal is charged with weighing the credibility of the evidence. This Board cannot second-guess the weight of the evidence. The record contains sufficient evidence to support the decision of the Local Board. Thus, the decision of the Local Board must be upheld by this 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 August 2010.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS