

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2011 CA 2294

MARY MELANIE ANGELLOZ

VERSUS

IBERVILLE PARISH SCHOOL BOARD AND
DR. P. EDWARD CANCIENNE, JR., SUPERINTENDENT

Judgment Rendered: JUN 14 2012



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Appealed from the
18th Judicial District Court
In and for the Parish of Iberville, Louisiana
Trial Court Number 69,707

Honorable William C. Dupont, Judge

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BEFORE: PETTIGREW, McCLENDON, AND WELCH, JJ.

J. 2nd Pettigrew, J. Concurs

WELCH, J.

Plaintiff, Mary Angeloz, appeals a judgment of the district court affirming a decision of the Iberville Parish School Board (School Board) to terminate her employment as a tenured teacher. We affirm.

BACKGROUND

Ms. Angeloz was a tenured school teacher and had been employed by the School Board for 27 years. On August 26, 2010, Ms. Angeloz's cell phone was allegedly stolen by a student and was ultimately recovered later that day. Ms. Angeloz's conduct in response to the loss and recovery of her cell phone that day led to an investigation by the School Board, following which the Superintendent charged Ms. Angeloz with four counts of willful neglect of duty. Specifically, Ms. Angeloz was charged with: (1) angrily yelling at her students that she was "sick" of them and that she would "throw" a student into the desk if he did not sit down; (2) reacting to the loss of her cell phone by interrupting a class and crying while looking for the phone; becoming demonstratively angry, crying, talking and/or yelling loudly and cursing as she walked down the school's hallway; and by yelling, cursing, and kicking and/or hitting the table and chairs in the teacher's lounge in or near the presence of the principal, other employees, and/or students; (3) reacting to the recovery of her cell phone from the two students who allegedly took the cell phone by yelling, cursing, and otherwise acting irrationally in the school's hallway in the presence of students, other employee(s), and the principal; and (4) engaging in a discussion after school ended in which she stated that she was known as a "crazy bitch" because if someone stepped on her property or she became angry she would "shoot first and ask questions later," and that she was going home to "load [her] guns." In count four, the Board also charged that during a telephone conversation with her principal an hour later, Ms. Angeloz cursed the student who allegedly took her phone and said that if the school was not going to take care of the students and their parents, she would "take care" of the rest of the "little sons of bitches."

Following a termination hearing, during which numerous witnesses testified, the School Board found Ms. Angelloz guilty of all four charges and voted that each of the charges of which Ms. Angelloz had been found guilty constituted willful neglect of duty. The School Board then voted by a 9-2 vote to terminate Ms. Angelloz's employment.

Ms. Angelloz appealed her termination to the district court. The district court upheld the termination, concluding that the School Board did not abuse its discretion in terminating Ms. Angelloz, finding that it had adequate information upon which to base its decision.

Ms. Angelloz appealed that judgment to this court, contending that the School Board's findings were completely unsubstantiated by the evidence, that termination is a punishment far too harsh in relation to the charges, and that the district court erred in affirming the School Board's findings in light of inadmissible affidavits considered by the School Board in making its decision.

A permanent teacher shall not be removed from office except upon written and signed charges of, among other things, willful neglect of duty and only if found guilty after a hearing by a school board. La. R.S. 17:443(A). Judicial review of teacher tenure proceedings is limited to an inquiry of whether a school board complied with the statutory formalities under Louisiana's teacher tenure law and whether its findings are supported by substantial evidence. Substantial evidence is evidence of such quality and weight that reasonable minds in the exercise of impartial judgment might reach different conclusions. **Wise v. Bossier Parish School Board**, 02-1525 (La. 6/27/03), 851 So.2d 1090, 1094. In conducting such an examination, the district court must give great deference to a school board's findings of facts and credibility. **Arriola v. Orleans Parish School Board**, 2001-1878 (La. 2/26/02), 809 So.2d 932, 941. Reasons for dismissal are largely in the sound discretion of the school board. **Wise**, 851 So.2d at

1094. Thus, it is well settled that a school board's judgment should not be reversed in the absence of an abuse of discretion. Id.

A district court may not substitute its judgment for that of a school board or interfere with the school board's good faith exercise of its discretion. The district court's responsibility in such a case is to determine whether a school board's action was supported by substantial evidence, or conversely, constituted an arbitrary decision and thus an abuse of discretion. **Wise**, 851 So.2d at 1094-1095. As with the district court, a court of appeal may not reverse the decision of a district court unless it finds that a school board's termination proceedings failed to comply with statutory formalities and/or a school board's findings were not supported by substantial evidence. **Wise**, 851 So.2d at 1095. It is sufficient to support termination if any one of the charges of willful neglect of duty against a tenured teacher is sufficiently supported by the record. Id.

After a thorough review of the evidence, it is clear that the School Board's conclusion that Ms. Angeloz was guilty of willful neglect was based largely on credibility determinations. The district court was bound, as is this court, to give wide deference to the School Board's credibility determinations. Our examination of the evidence convinces us that the School Board had substantial evidence upon which to find Ms. Angeloz guilty of willful neglect of duty. Moreover, we find no abuse of discretion in the School Board's decision to terminate Ms. Angeloz's employment upon finding her guilty of willful neglect.

For those reasons, we affirm the judgment of the trial court and in so doing, issue this memorandum opinion in compliance with Uniform Rules-Courts of Appeal Rule 2-16.1B. All costs of this appeal are assessed to appellant, Mary Angeloz.

AFFIRMED.