

STATE BOARD OF EDUCATION

STATE OF GEORGIA

WILLIAM H. TYUS,)
)
 Petitioner.)
 v.) **CASE NO. 1986-31**
)
 GEORGIA DEPARTMENT)
 OF EDUCATION,)
)
 Respondent.)

ORDER

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Special Master, 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 Petitioner's request be denied. This 13th day of November, 1986.

LARRY A. FOSTER, SR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

WILLIAM H. TYUS,)	
)	CASE NO. 1986-31
Petitioner,)	
)	
v.)	
)	RECOMMENDATION OF
GEORGIA DEPARTMENT OF)	SPECIAL MASTER
EDUCATION,)	
)	
Respondent.)	

PART I

SUMMARY

This is a report on the exceptions filed by William H. Tyus (hereinafter "Petitioner") from a decision of the State Department of Education (hereinafter "Department") to deny him a six year leadership certificate. Petitioner contends he is entitled to the six year leadership certificate because he entered a planned program beyond the master's degree prior to September 1, 1968, thereby qualifying him for the requested certificate. The Department contends Petitioner did not complete an approved program in the area of Administration and Supervision beyond the master's degree and, thus, is not eligible for the certificate requested. The Special Plaster recommends the Petitioner's request be denied.

PART II

FACTUAL BACKGROUND

Petitioner, who currently holds an L-5 certificate in the field of Administration and Supervision, requested an L-6 certificate in the field of Administration and Supervision. The Director, Division of Certification, decided that Petitioner did not qualify for an L-6 certificate because Petitioner's graduate work beyond the masters degree had not been an approved

program, and because he did not begin his course work until 1969, which necessitated further requirements not met by Petitioner. In April, 1986, Petitioner requested a review of the Director's decision. The Associate State Superintendent responded to that request, stating that Petitioner did not qualify for the L-6 certificate because the work completed beyond Petitioner's master's degree was in a program oriented toward community education rather than Administration and Supervision.

On May, 16, 1986, petitioner requested a hearing under the certification hearing procedures and objected to the determination issued by the Associate State Superintendent. The hearing was held on June 12, 1986. At the hearing, Petitioner presented a letter from his college which contained a statement that the work completed after the award of his M. A. degree was part of a planned program in community education. Petitioner relied on that letter and his transcripts to support his position.

The Certification Hearing Officer issued his decision on June 24, 1986. In that decision, the Certification Hearing Officer found that Petitioner's request should be denied because the course work in Administration and Supervision was not pursuant to a planned sixth-year program, and was begun after September 1, 1968.

Petitioner filed this appeal on July 15, 1986. He contends the Department's actions are arbitrary and capricious, the Department failed to follow the certification handbook, the rejection of his hours as not being "administration and supervision" is prejudicial and discriminatory, and that the Department has consistently tried to apply the degree requirement and concept in an inappropriate manner. The Department concedes that Petitioner began an approved program beyond the master's degree prior to September 1, 1968, in Community Education, but contends that Petitioner must meet the requirements in the area of Administration and Supervision, not Community Education, in order to qualify for the L-6 leadership certificate.

PART III
DISCUSSION

This case comes before the State Board of Education as a case of original jurisdiction based upon the State Board of Education's authority to provide, by regulation, for certifying professional personnel. O.C.G.A. §20-2-200 (effective July 1, 1986; former authority provided under O.C.G.A. § 20-2-282)

“Teacher Certification in Georgia: Requirements and Regulations for the Certification of Teachers and School Personnel” (hereinafter “Teacher Certification Manual”) provides as follows:

The holder of a six-year certificate is considered a specialist in the field or area of certification. This certificate is based on a sixth year of college training — a minimum of 45 quarter hours in a planned graduate program beyond the master's degree and the first professional five-year certificate. Applicants who began their six-year programs after Sept. 1, 1968, will be required to complete a program on which the graduate institution will confer some type of degree, certificate or diploma.

Under the Department's interpretation of this section, a candidate who began a program prior to September 1, 1968, needs to have completed forty-five hours of sixth year training in the field for which certification is sought. The Department has conceded that Petitioner began his six—year program prior to September 1, 1968, and that the program was a planned program in Community Education, but the Department contends that completing a program in Community Education does not constitute completing a program in administration and supervision which would qualify Petitioner for the six-year leadership certificate.

Petitioner contends that his planned program was in the area of administration and supervision. Petitioner supports his position by stating that the courses he took in Community

Education were all administration and supervision courses and fulfilled the requirements for an administration and supervision certification.

Petitioner has failed to support his position that the courses he took fulfilled the requirements for an administration and supervision certification. The record contains Petitioner's transcript, but the transcript does not show any more than course titles. Some of the course titles deal specifically with his community school training, but the Department cannot determine from the titles whether those courses fulfill the requirements for administration and supervision certification. A planned program in Community Education is not automatically equivalent to a planned program in Administration or Supervision. Petitioner has the burden of showing why he contends the courses he took in Community Education were equivalent to the courses necessary for a certificate in Administration and Supervision. Simply showing that some of the course titles used the words "administration" and "supervision", and arguing that the courses were under the general framework of education leadership, is not sufficient to carry that burden. Thus, Petitioner has not demonstrated he is entitled to the six-year leadership certificate.

Petitioner argues that the Department has acknowledged that the hours he completed were in administration and supervision because the Director of the Division of Certification referred to his "graduate work in administration and supervision", and "your initial course work in administration and supervision". These statements, which were contained in the Director's initial denial of Petitioner's request for and L-6 certification, do not constitute an admission on the part of the Department, nor do they establish any basis for estoppel. The thrust of the Director's letter was that Petitioner was not in an approved program in the field of administration and supervision, and that he was not in a program which would lead to a degree. It, therefore, appears that the Director was referencing Petitioner's courses in general, rather than agreeing that they were administration and supervision courses. Petitioner's contentions concerning the Director's references were also considered in the subsequent reviews within the Department and not

accepted. The Special Master, therefore, concludes that the Department has not agreed that Petitioner's courses were in administration and supervision.

PART IV

RECOMMENDATION

Based upon the foregoing discussion, the record presented, and the written contentions of Petitioner and the Department, the Special Master is of the opinion Petitioner has not demonstrated he is entitled to a six-year leadership certificate. The Hearing Officer, therefore, recommends Petitioner's request be denied.

L.O. Buckland
Special Master