

STATE BOARD OF EDUCATION

STATE OF GEORGIA

RUTH MOORE,	:	
	:	
Appellant,	:	CASE NO. 1986-49
v.	:	
	:	
ATLANTA CITY BOARD	:	DECISION
OF EDUCATION,	:	
	:	
Appellee.	:	

PART I

SUMMARY

This is an appeal by Ruth Moore (hereinafter “Appellant”) from a decision of the Atlanta City Board of Education (hereinafter “Local Board”) not to renew her teaching contract for the 1986-1987 school year. Appellant was charged with incompetency, insubordination, willful neglect of duties, and other good and sufficient cause. Appellant contends on appeal that the Local Board failed to provide an adequate tribunal, failed to respond to Appellant’s grievance against her principal, the evidence was not sufficient to support the Local Board’s findings of fact, substantial evidence did not exist to support the decision of the Local Board, and the decision of the Local Board was arbitrary and capricious. The decision of the Local Board is sustained.

PART II

FACTUAL BACKGROUND

Appellant had twenty-six years’ experience as a teacher with the Local Board. She was notified on April 3, 1986, that the Superintendent did not intend to recommend renewal of her contract to the Local Board. Appellant made a timely request for reasons and a hearing and, after several delays, a hearing was held before a hearing tribunal of the Local Board composed of three members of the Local Board (hereinafter “Tribunal”). At the hearing, Appellant’s principal

testified that he had not recommended Appellant's continued employment for the 1985-1986 school year, but that the Superintendent had recommended Appellant's contract be renewed if she continued to work on an improvement plan which was started during the 1984-1985 school year. The principal further testified that Appellant had not taught her students several courses she was supposed to teach them, had not given the required notice of failure to a student, failed to group students for math as she should have, taught inappropriately, did not keep a roll book, averaged grades improperly, and failed to improve under the plan for improvement which was implemented for the 1985-1986 school year. The elementary resource teacher who worked with Appellant testified that Appellant seldom had lesson plans, her directions in class were not clear, and Appellant was not well organized.

The Tribunal found that Appellant exhibited poor classroom management, organization, and planning; failed to keep proper records which resulted in students getting improper grades, and failed to accept responsibility for her actions by blaming others for her own errors and failures. The Tribunal then found that the reasons for the Superintendent's proposed nonrenewal were valid, and recommended that Appellant's teaching contract not be renewed for the 1986-1987 school year.

The Local Board accepted the recommendation of the tribunal and Appellant filed this appeal on October 6, 1986.

PART III

DISCUSSION

Appellant's first contention on appeal is that the Local Board failed to provide an adequate tribunal. Appellant contends that one of the three tribunal members openly admitted his lack of impartiality and objectivity because of his comments regarding "his inability to understand this intimidation stuff," and his comments regarding the school rising to the "national norm" as a result of the placement of Appellant's principal.

Appellant's first contention is absolutely without merit. The statements Appellant cites to show a lack of impartiality and objectivity are taken completely out of context and do not show impartiality. Additionally, Appellant did not raise the issue before the Local Board and, therefore, may not raise the issue for the first time on appeal. Sharpley v. Hall Cnty. Bd. of Ed., 251 Ga. 54 (1983); Owen v. Long Cnty. Bd. of Ed., 245 Ga. 647 (1980); Boney v. Cnty. Bd. of Ed., 203 Ga. 152 (1947).

Appellant's second contention is that the Local Board failed to respond to her grievance against her principal. Appellant contends the Local Board was negligent in its duties for failing to respond to her grievance. Appellant's second contention does not provide any grounds for reversal of the decision of the Local Board. Assuming Appellant is correct that the Local Board failed to respond to her grievance, no reason has been set forth as to why that fact would warrant any relief for Appellant from the Local Board's decision to non-renew Appellant. Appellant has not set forth any law or policy which states that a non-renewal may not be accomplished until all grievances have been processed.

Appellant's third contention, that the Local Board erred in finding as a fact that Appellant, on several occasions, expressed the opinion she did not need improving and expressed that she was a satisfactory teacher, also does not warrant reversal of the decision of the Local Board, Witnesses for the Local Board testified that Appellant made such statements and no objections were raised to such testimony.

Appellant's fourth contention, that substantial evidence did not exist to support the decision of the Local Board, also does not warrant reversal of the decision of the Local Board with respect to the charges of incompetency and good and sufficient cause. First, the State Board of Education follows the rule that if there is any evidence to support the decision of the Local Board, that decision will be upheld. See, Ransum V. Chattooga Cnty. Bd. of Ed., 144 Ga. App. 783 (1978); Antone v. Greene Cnty. Bd. of Ed., Case No. 1976-11. Thus, Appellant's contention that substantial evidence is necessary is in error. Second, evidence was presented which supported the Local Board's position that Appellant was incompetent. At the hearing, Appellant's principal testified that Appellant had not taught her students several courses she was supposed to teach, had not given the required notice of failure to a student, failed to group students for math as she should have, taught inappropriately, did not keep a roll book, averaged grades improperly, and failed to improve under the plan for improvement which was implemented for the 1985-1986 school year. The elementary resource teacher who worked with Appellant testified that Appellant seldom had lesson plans, her directions in class were not clear, and that

Appellant was not well organized. Such testimony provides evidence to support the decision of the Local Board that Appellant was incompetent.

Appellant's final contention is that the decision of the Local Board was arbitrary and capricious. This contention is based upon Appellant's previous arguments that the findings of fact were erroneous and that there was a lack of substantial evidence to support the Tribunal's report. Because these two arguments have already been decided adversely to Appellant, Appellant's final contention also fails.

PART IV

DECISION

Based upon the foregoing discussion, the record presented, and the briefs and arguments of counsel, it is determined that the Local Board acted within its authority and there was evidence to support the Local Board's decision not to nonrenew Appellant's teaching contract. The decision of the Local Board is, therefore,

SUSTAINED.

Dated this 8th day of January , 1987

LARRY A. FOSTER, SR.
Vice Chairman for Appeals