

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JANIE BATTLE,

Appellant,

v.
AMERICUS CITY
BOARD OF EDUCATION,

Appellee.

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CASE NO. 1989-19

DECISION

PART I

SUMMARY

This is an appeal by Janie Battle (“Appellant”) from a decision by the Americus City Board of Education (“Local Board”) not to renew her teaching contract for the 1988-1989 school year upon finding her incompetent. Appellant maintains that the evidence did not support the charges. The decision of the Local Board is sustained.

PART II

FACTUAL BACKGROUND

In 1980, Appellant was employed as a high school teacher by the Local Board. Prior to 1980, Appellant had been employed in another school system as a kindergarten teacher. When she was unable to pass the Georgia Teacher Competency Test, Appellant was assigned to teach a kindergarten class in the elementary school. Appellant began teaching the kindergarten class at the beginning of the 1986-1987 school year.

As the result of a series of evaluations during the 1986-1987 school year and the 1987-1988 school year, the Local Superintendent informed Appellant, on April 14, 1988, that he was

not going to recommend her employment for the following school year. Appellant instituted her rights to a hearing under the provisions of O.C.G.A. § 20-2-942. Appellant was informed that she was charged with incompetency and that a hearing would be held before the Local Board. The Local Board conducted the hearing on August 4, 1988.

Evidence was presented at the hearing that during the 1986-1987 school year, the school system's curriculum director, Ms. Gay, evaluated Appellant's teaching performance three times. The first evaluation occurred in November, 1986. During this evaluation, Ms. Gay observed that Appellant's lesson plans were not complete and that Appellant was unable to keep a large portion of her class on task. There were children who were bothering other children, some were walking around the room, and others simply were not paying any attention. Appellant had difficulties in showing a film strip; the video was twelve frames behind the sound. As a result of the first evaluation, Ms. Gay prepared an improvement plan for Appellant and discussed it with Appellant.

Two more evaluations were conducted by Ms. Gay in January and April, 1987. During these subsequent evaluations, Ms. Gay noted that Appellant had not made any improvements in her teaching. Appellant still failed to maintain control of her classroom; she gave the children incorrect information, and she did not adjust her methods to accommodate the individual abilities of her students. During the conference following the last evaluation, Appellant refused to sign the evaluation form and Ms. Gay testified that Appellant was belligerent. Ms. Gay then asked Appellant to meet with her on April 13, 1987, in order to develop an improvement plan for the following year. Appellant failed to meet with Ms. Gay. Instead, on April 15, 1987, she wrote a letter complaining about the evaluation. The letter contained several grammatical errors.

Ms. Gay informed the Local Superintendent of her problems with Appellant and requested the Local Superintendent to intervene. The Local Superintendent met with Appellant and Ms. Gay in May, 1987. The Local Superintendent expressed concern about the quality of

Appellant's letter. He also told Appellant to cooperate with Ms. Gay in the preparation of an improvement program.

Appellant and Ms. Gay then prepared a mutually agreeable improvement program. One of the suggestions in the program was that Appellant take a course during the summer, but Appellant did not take any courses during the summer.

During the fall of 1987, Appellant's principal, Ms. Harris, made several informal observations of Appellant's class. During these observations, Ms. Harris observed that Appellant was unable to control her students, failed to correct her students, and gave confusing instructions. Additionally, she observed that Appellant did not check the children's work or see if the children understood their lessons.

On December 13, 1987, Ms. Gay conducted another evaluation of Appellant. Ms. Gay testified that Appellant still did not take into account individual differences in the students' abilities, she did not explain the purpose of the lesson, or show any warmth or friendliness towards the students. After this evaluation, the Local Superintendent asked the Professional Practices Commission to evaluate Appellant.

Before the Professional Practices Commission evaluation, Ms. Gay conducted another evaluation. Ms. Gay testified that during this evaluation Appellant gave directions to the students that were confusing and misunderstood by the students. Additionally, the lesson itself was confusing, and even Ms. Gay could not understand what was being taught. Appellant failed to correct the students when they gave incorrect answers; she did not have a proper lesson plan; she did not tell the students what was the lesson objective, and she used inappropriate materials.

An evaluator from the Professional Practices Commission observed Appellant's class on February 2, 3, and 4, 1988. The Professional Practices Commission evaluator concluded that

substantial changes were necessary in order for the children to develop. On cross-examination, the Professional Practices Commission evaluator stated that her conclusions were based upon some of the problems she felt existed in the Quality Basic Education program.

Ms. Gay conducted another evaluation on March 29, 1988. Ms. Gay testified that she continued to note many of the same problems that she had previously observed. She met with Appellant and Appellant's principal on April 1, 1988, and reviewed the results of her observation. They reviewed the plan of improvement and determined that Appellant had not met the objectives of the plan.

The Local Board concluded that the evidence supported the charge that Appellant was incompetent and issued its decision on August 8, 1988. Appellant appealed to the State Board of Education on September 7, 1988. A substantial delay occurred before the appeal was presented to the State Board of Education because the court reporter was unable to complete the transcript of the hearing.

PART III

DISCUSSION

The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion, or the decision is so arbitrary and capricious as to be illegal. See, ¹Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-li. Appellant acknowledges that this is the standard for review, but maintains that the evidence was insufficient for the Local Board to reach the decision that she was incompetent. Appellant claims on appeal that the criticisms expressed by Ms. Gay were the result of a personality conflict and merely reflect a difference in approaches to teaching.

The Local Board, in apparent recognition of the difficulty in defining incompetence, points to the standards of competence developed by the Professional Practices Commission. The Local Board maintains that Appellant failed to meet the standards of competence that have been established by the Professional Practices Commission, which can only lead to the conclusion that she is incompetent.

The evidence presented to the Local Board, and partially presented in the previous section, was such that the Local Board could determine that Appellant was incompetent. Appellant was unable to manage her classrooms, she provided the students with incorrect information, her lesson plans were incomplete, her presentations were confusing, and she did not determine if her students understood what was presented. The observations made by Ms. Gay were supported by the observations made by Appellant's principal and the Professional Practices Commission evaluator. Thus, even if there was a personality conflict between Ms. Gay and Appellant, Ms. Gay's observations appear to have been accurate. While some of the evidence could reflect a difference in opinion regarding teaching method, we conclude that there was also evidence before the Local Board that would support their finding that Appellant was incompetent.

PART IV

DECISION

Based upon the foregoing, the record presented, and the briefs submitted, we are of the opinion that there was evidence to support the decision of the Local Board. The decision of the Local Board, is, therefore, SUSTAINED., upon the unanimous vote of the Board.

This 14th day of December, 1989.

John M. Taylor
Vice Chairman For Appeals