

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: DEBBIE HOLLINGSLED,

Petitioner

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CASE NO. 1989-29

ORDER

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted, the recommendation of the Special Master, and after a vote in open meeting,

DETERMINES AND ORDERS, that the State Board of Education adopt the Special Master's findings of fact, conclusions of law, and the recommendation, and hereby denies Petitioner's request. The denial of the Petitioner's request was unanimous.

This 14th day of December, 1989.

Vice Chairman for Appeals

STATE BOARD OF EDUCATION
STATE OF GEORGIA

IN RE: DEBBIE HOLLINGSLED :
 :
 : **CASE NO. 1989-29**
Petitioner. :
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 : **RECOMMENDATION OF**
 : **SPECIAL MASTER**

This is a petition by Debbie Hollingshed (“Petitioner”) for a renewable professional teaching certificate, or the opportunity to undergo two additional Teacher Performance Assessment Instrument (“TPAI”) evaluations. Petitioner challenges the objectivity of the TPAI, and the validity of the TPAI because of a recent court decision. In addition, she maintains that she was not provided proper orientation and staff development, and her due process rights were violated. The Special Master recommends denial of her petition.

Petitioner was a teacher in the Monroe County Middle School. She taught a self-contained remedial sixth grade class. She had five TPAI evaluations and waived one evaluation. She has been unable to obtain satisfactory scores on two competencies: Competency I – Plans instruction to achieve selected objectives, and Competency II – Obtains information about the needs and progress of learners, On Competency I, only 52% of her scores were at minimum level.

On Competency II, only 38% of her scores were at minimum level.

Petitioner claims that the TPAI is a subjective, arbitrary evaluation instrument that fails to measure a teacher’s ability, and that the regulations governing the TPAI are unenforceable because of the decision in Kitchens v. State Department of Education, _ Ga. Appd _ (1989). The State Board of Education has taken the position that the regulations concerning the TPAI were

properly adopted and has appealed the decision of the Court of Appeals. The Special Master, therefore, concludes that Petitioner's challenge does not constitute a basis for granting another assessment.

Petitioner also claims that the sixth evaluation was improperly scored because she submitted materials that complied with the TPAI requirements. Petitioner presented four letters from other teachers and her principal to the Certification Appeals Hearing Officer. One letter was from a certified data collector, who said that she had reviewed Petitioner's portfolio and felt that it showed mastery of the items that Petitioner had not passed. Another letter was from Petitioner's support teacher for her portfolio, who said that Petitioner accepted suggestions and should be given another chance to demonstrate her competency. Her principal wrote that he thought she had been unfairly judged and should be given another chance.

The Department points out that none of the letter writers addressed any of the areas of deficiency. Petitioner was teaching a remedial class, but she was presenting material that was appropriate for sixth grade student who were functioning at grade level. Few of Petitioner's students were functioning at the sixth grade level and all of the data collectors observed that she was not presenting appropriate material to the students, Petitioner had ten different data collectors during her five evaluations who determined that she had not mastered Competencies I and II.

Petitioner also requested another scoring of her sixth evaluation. The sixth evaluation was submitted to additional scorers, who arrived at substantially the same scores as the original data collectors.

The Special Master concludes that Petitioner has not shown any basis for granting her another evaluation based upon the completeness of her portfolio.

Petitioner also contends that she was denied due process because she was not informed by the State Department of Education of the opportunity to appeal a single assessment, such as she did after the sixth assessment. There is, however, no evidence that the Department was under any obligation to inform Petitioner directly. The information concerning appeals is available to the teachers, and there does not appear to have been any action taken to single Petitioner out to deny her the information. The results of the sixth evaluation and its subsequent appeal suggest that prior appeals would not have been resulted in any success for Petitioner. The Special Master concludes that Petitioner was not denied due process because of the information she obtained or did not obtain.

Based upon the foregoing, the Special Master is of the opinion that the TPAI was properly administered to Petitioner and that there are no grounds for granting her another evaluation. The Special Master, therefore, recommends denial of the petition.

This 4th day of December, 1989.

L. O. Buckland
Special Master

