STATE BOARD OF EDUCATION

STATE OF GEORGIA

KAREN STARNES, :

:

Appellant,

CASE NO. 1994-37

vs. :

: DECISION

FULTON COUNTY:

BOARD OF EDUCATION, :

:

Appellee.

PART I

SUMMARY

This is an appeal by Karen Starnes (Appellant) from a decision by the Fulton County Board of Education (Local Board) to adopt the recommendation of a Professional Practices Commission Tribunal to terminate her teaching contract because of insubordination, willful neglect of her duties, and other good and sufficient cause, because she failed to comply with the terms of a Professional Development Plan. Appellant contends that the evidence does not support the decision, but, instead, shows that Appellant's principal harassed her. The Local Board's decision is sustained.

PART II

FACTUAL BACKGROUND

Appellant was first employed by the Fulton County School System in 1985. Appellant transferred to Hapeville Elementary School when it opened at the beginning of the 1991-1992 school year and taught a first grade class. During several observations, Appellant's principal noted that Appellant had difficulty managing her classes, making transitions, planning, organizing her time, and maintaining discipline in her class. As a result, a Professional Development Plan was prepared for Appellant at the end of the 1991-1992 school year.

Appellant was transferred to a kindergarten class because she complained that part of her trouble resulted from being unfamiliar with the first grade. Nevertheless, and despite assistance provided during the year, Appellant did not improve her teaching during the 1992-1993 school year. Appellant also failed to submit weekly lesson plans as required by her Professional Development Plan. Another Professional Development Plan was prepared for the 1993-1994 school year.

After the 1993-1994 school year began, Appellant's principal decided to recommend termination of Appellant's teaching contract because she would not submit her lesson plans, had

not complied with the terms of her Professional Development Plan, and had not shown any improvement in her ability to teach. The Local Board requested the Professional Practices Commission to convene a tribunal to hear the charges against Appellant.

A three-day hearing was conducted by a Professional Practices Commission Tribunal over the period February 2, 1994, through February 9, 1994. During the hearing, Appellant's main defense was that her principal had harassed her and set her up for failure. The Tribunal heard several witnesses testify about Appellant's teaching and the efforts made to assist her. After the hearing, the Tribunal found that Appellant's failure to complete portions of her Professional Development Plan amounted to willful neglect of duty and insubordination. As a consequence, the Tribunal recommended termination of Appellant's teaching contract. The Local Board adopted the Tribunal's recommendation and voted to terminate Appellant's contract.

PART III

DISCUSSION

On appeal, Appellant again maintains that she was harassed by her principal. "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. Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783, 242 S.E.2d 374 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." Roderick J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991)

In the instant case, there is evidence that Appellant consistently failed to submit her lesson plans as required by the Professional Development Plan. Additionally, there was evidence that Appellant's teaching ability did not improve even though various forms of assistance were provided to her. The Tribunal had an opportunity to weigh the testimony of the witnesses and make a determination whether Appellant's principal was harassing her. Appellant has not shown where there has been any error of law.

PART IV

DECISION

Based upon the foregoing, the State Board of Education is of the opinion there was evidence to support the decision of the Local Board. Accordingly, the Local Board's decision to terminate Appellant's teaching contract is SUSTAINED.

This 11th day of August, 1994.

Mrs. King, Mr. Sessoms, Dr. Thomas and Mr. Williams were not present. Mr. McGlamery abstained.

Robert M. Brinson Vice Chairman for Appeals