

STATE BOARD OF EDUCATION

STATE OF GEORGIA

LOLA GILLIS-MINCEY,

Appellant,

vs.

**VIDALIA CITY
BOARD OF EDUCATION,**

Appellee.

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CASE NO. 1996-47

DECISION

This is an appeal by Lola Gillis-Mincey (Appellant) from a decision by the Vidalia City Board of Education (Local Board) not to renew her teaching contract for the 1996-1997 school year because of a reduction in force in the Title I program and the Local Superintendent's determination that Appellant was the least effective of the Title I teachers. Appellant claims that her evaluations were part of a vendetta on the part of her principal to terminate her teaching contract. The Local Board's decision is sustained.

Appellant was one of four Title I teachers at Meadows Elementary School. She had taught since 1981. During the summer before the 1995-1996 school year, the Appellant's principal learned that the Title I program would be reduced at Meadows Elementary School because of a loss of funding.

The principal evaluated all of the Title I teachers and found that Appellant rated the lowest. During a formal evaluation on November 14, 1995, Appellant received four "needs improvement" ratings. Another Title I teacher also received "needs improvement" ratings. During later evaluations, Appellant did not improve her performance except for one evaluation by the assistant principal. The other Title I teacher was able to improve her performance.

The Local Superintendent received the evaluations from the principal and decided not to renew Appellant's teaching contract under the reduction in force because her evaluations were the lowest. The Local Superintendent gave Appellant written notice of his decision on April 9, 1996. Appellant requested a hearing, which was held by the Local Board on May 30, 1996. At the conclusion of the hearing, the Local Board voted not to renew Appellant's teaching contract. Appellant then appealed to the State Board of Education.

On appeal, Appellant claims that the principal failed to follow the evaluation procedures required by the State Board of Education and the Local Board, therefore, should not have considered the evaluations. The State Board of Education has previously held that teacher evaluations, which are provided for in O.C.G.A. § 20-2-210, do not create any substantive rights for teachers, and that the failure to follow the procedures does not prevent a local board from dismissing a teacher. *See, Walker v. LaGrange City Bd. of Educ.*, Case No. 1989-25 (Ga. SBE, Nov. 9, 1989); *Fry v. Clayton Cnty. Bd. of Educ.*, Case No. 1987-27 (Ga. SBE, 1987). The State Board of Education, therefore, concludes that Appellant was not denied any substantive due process rights and the Local Board could properly consider the evaluations.

"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 was evidence that Appellant was the lowest rated teacher in the Title I program.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board properly considered Appellant's evaluations and there was evidence to support the Local Board's decision not to renew Appellant's teaching contract because of a reduction in force. The Local Board's decision, therefore, is SUSTAINED.

This 14th day of November, 1996.

Robert M. Brinson
Vice Chairman for Appeals