

STATE BOARD OF EDUCATION

STATE OF GEORGIA

VINCENT WINFREY,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2003-28
	:	
ATLANTA CITY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Vincent Winfrey (Appellant) from a decision by the Atlanta City Board of Education (Local Board) not to renew his teaching contract for the 2001-2002 school year based upon the recommendation of a hearing tribunal that found Appellant guilty of the charges of incompetency, insubordination, willful neglect of duties, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940.¹ On appeal, Appellant claims that there was insufficient evidence to support the findings and recommendations of the tribunal and the Local Board’s decision. The Local Board’s decision is sustained.

Appellant began teaching for the Local Board in 1992. He was assigned to an alternative school in November 1992 as a physical education teacher. The school did not have an assigned principal and Appellant assumed the administrative duties associated with an assistant principal’s position when the acting principal died. In 1996, a principal was assigned to the school and Appellant was relieved of his administrative duties, but he still continued to assist with discipline and was in charge whenever the principal left the school.

The new principal required all teachers to file lesson plans. Appellant, however, failed to file lesson plans, or he filed deficient lesson plans. The principal placed him on a professional development plan and provided Appellant with assistance to help him properly prepare lesson plans. Although Appellant improved, he still failed to consistently file acceptable lesson plans. In addition, Appellant did not provide focused instruction in his classes. Frequently, students played cards in his classroom while Appellant instructed the class.

Appellant was voted teacher of the year, but the principal vetoed Appellant’s selection because he was on a professional development plan. In January 2001, the principal wrote to Appellant and told him she was not going to recommend renewal of his

¹ The hearing before a tribunal did not start until May 29, 2002 and was completed on June 21, 2002. The record did not contain any explanation about the reason for the delay.

teaching contract because of incompetency, willful neglect of duty, insubordination, and other good and sufficient causes.

In May 2002, a tribunal of three educators conducted a hearing regarding the charges. After the hearing, the tribunal issued a 35-page report detailing their findings. The tribunal found Appellant guilty of the charges and recommended non-renewal of his contract. The Local Board approved the non-renewal and Appellant then filed an appeal with the State Board of Education.

On appeal, Appellant claims that there was no evidence to support the tribunal's finding that he was incompetent, insubordinate, or willfully neglected his duties. Appellant claims that the principal did not like him and used the professional development plan as a means to dismiss him. In addition, Appellant claims that dismissal is too harsh a penalty to impose under the circumstances.

"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, the tribunal found that Appellant did not set goals and objectives in his instruction, did not develop creative and effective lesson plans, did not provide focused and structured instruction, and was tardy and inefficient in submitting his lesson plans. The tribunal found that Appellant did not deny any of the charges made by the principal, but only offered reasons why he did not do as he was told. For example, Appellant complained about his inability to use his computer for preparing lesson plans, but the tribunal did not find his reason convincing. There was testimony from the principal and other witnesses to support the tribunal's findings.

Appellant claims, and the tribunal acknowledged, that he was a well-liked teacher and an effective disciplinarian. The tribunal, however, found that these traits were insufficient to overcome Appellant's other teaching deficits.

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of April 2003.

Wanda L. Barrs
Chairperson, State Board of Education