

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MOSES ADJEI,

	Appellant,	:	
		:	
vs.		:	CASE NO. 2003-36
		:	
	ATLANTA CITY	:	
	BOARD OF EDUCATION,	:	
		:	
	Appellee.	:	DECISION
		:	

This is an appeal by Moses Adjei (Appellant) from a decision by the Atlanta Board of Education (Local Board) to dismiss him because he failed to obtain a teaching certificate. Appellant claims that the Local Board improperly reached a decision before the Professional Standards Commission (PSC) reached a decision on whether he was properly denied certification. The Local Board’s decision is sustained.

Appellant, a British citizen, began teaching for the Local Board at the beginning of the 2000-2001 school year as a middle school business education teacher. Because Appellant was not certified in Georgia, the Atlanta Public School System applied to the PSC for an emergency certificate, which permitted Appellant to teach for one year without a Georgia teaching certificate. When the emergency certificate was requested, Appellant qualified for a nonrenewable, three-year international certificate, which is designed to permit cultural exchanges of teachers from foreign countries who have met standards that are equivalent to the standards that have to be met to obtain a Georgia teaching certificate.

By the end of the 2000-2001 school year, Appellant had not completed the requirements for a Georgia teaching certificate. Appellant’s principal asked for a one-year waiver so that Appellant could teach another year before completing all the requirements for a Georgia certificate. The waiver was granted by the PSC and Appellant was able to teach during the 2001-2002 school year.

In March 2002, Appellant signed another contract with the Local Board that required him to obtain certification to remain employed. When the 2002-2003 school year started, Appellant still had not completed the requirements for a Georgia certificate. On September 23, 2002, the Local Superintendent wrote to Appellant and informed him that his teaching contract would be terminated because he had not obtained a teaching certificate.

A three-member tribunal conducted a hearing and concluded that Appellant had failed to obtain a Georgia certificate and his teaching contract should be terminated under the provisions of his contract and O.C.G.A. § 20-2-940. Appellant then appealed to the Local Board, which upheld the dismissal. This appeal then followed.

Appellant claims that the Local Board should not have reached a decision because the PSC improperly issued him an emergency certificate when it should have issued him a three-year international certificate. Appellant is apparently claiming that the Local Board acted prematurely in issuing its decision, but this amounts to a collateral attack against the decisions of the PSC, over which the State Board of Education does not have jurisdiction.

"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 did not have a valid teaching certificate. Under the provisions of O.C.G.A. § 20-2-940, the lack of a proper teaching certificate is a valid ground for dismissal. The State Board of Education, therefore, concludes that the Local Board's decision was proper.

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. The Local Board's decision, therefore, is
SUSTAINED.

This _____ day of June 2003.

Wanda T. Barrs
Chair, State Board of Education