

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JAMES SPANN,	:	
	:	
Appellant,	:	CASE NO. 2010-18
	:	
vs.	:	
	:	
ATLANTA CITY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by James Spann (Appellant) from a decision by the Atlanta City Board of Education (Local Board) not to renew his teaching contract because of incompetency, willful neglect of duty, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that his termination is the result of a new principal's desire to hire her own personnel, the hearing officer improperly limited his questioning, and he was not given an opportunity to adjust his teaching style. The Local Board's decision is sustained.

Appellant, a middle school teacher, received notice from the Local Superintendent that his teaching contract would not be renewed for the 2009-2010 school year after forty-three years of teaching and one year before his retirement. The Local Superintendent charged Appellant with incompetency, willful neglect of duty, and any other good and sufficient cause because of his inability to maintain appropriate control over his classroom. A tribunal conducted a hearing upon Appellant's request.

Testimony was presented at the hearing that Appellant was unable to control his classroom; students failed to listen to him when he was giving directions, students walked around in the classroom and talked to one another while instruction was going on, and students refused to follow Appellant's commands. In one instance, two students were preparing to fight while Appellant was in front of the room reading some material and an assistant principal had to intervene. Appellant made frequent referrals of students to the assistant principal in charge of discipline. The principal and assistant principal observed Appellant and decided that he was not following the teaching protocols established by the school system, which resulted in the lessons not being logically connected and the students were unable to relate to what was being taught. In December 2008, the principal placed Appellant on a professional development plan. The principal testified that Appellant failed to make any progress while on the professional development plan.

At the conclusion of the hearing, the tribunal found that Appellant was incompetent, had willfully neglected his duties, and other good and sufficient cause

existed not to renew his teaching contract. The Local Board voted against renewing Appellant's contract and he appealed to the State Board of Education.

On appeal, Appellant claims that the principal, who was in her second year at the school, was on a mission to get rid of all the teachers who taught under the old principal and he was a victim of her plan. He also claims that he was not given enough time to improve his teaching because he received the notice that his contract would not be renewed only two months after he was placed on a professional development plan. Additionally, Appellant claims that the hearing officer improperly limited his questioning about the principal's motives. None of these contentions has any merit.

"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).

Although Appellant completed forty-two years of teaching without receiving any negative evaluations, the evaluations made during the 2008-2009 school year showed that his teaching methods were deficient. There was no evidence that the principal was on a mission to rid the school of the teachers who worked under the former principal and Appellant was merely a victim of her mission. The evaluations were conducted by several people and they all found that Appellant lacked control in his classroom. There was evidence that Appellant was unable to control his classroom, which supports the tribunal's finding of incompetence, and there was no evidence that Appellant's principal gave him bad ratings because he was from the former administration. We cannot speculate about why a teacher suddenly is unable to meet the expected standards.

Appellant also claims that he was given insufficient time to improve his teaching methods after he was placed on a professional development plan and the State Board of Education should reverse the Local Board for that reason. Appellant has not shown that there is any requirement for a school system to provide a teacher any time to become competent after the teacher has been placed on a professional development plan. In this case, Appellant was provided with counseling and other aids throughout the year but the observers continued to rate his teaching methods as sub-par. The State Board of Education concludes that this claim is without merit.

Appellant also claims that the hearing officer improperly limited his questioning regarding the motives of the principal. The record, however, does not support Appellant's claim. The hearing officer limited testimony about Appellant's loss of a coaching position in the previous year since it was irrelevant to whether Appellant was able to maintain control of his classroom. The record shows that Appellant was able to introduce testimony about the principal making statements that she wanted to get her own people into the school. Appellant has not pointed out any additional information he wanted to

present to the tribunal. The State Board of Education, therefore, concludes that this claim is also without merit.

Based upon the foregoing and a review of the record, 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 November 2009.

William Bradley Bryant
Vice Chairman for Appeals