

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>FLORETTE MATTIX,</b>	:	
	:	
<b>Appellant,</b>	:	<b>CASE NO. 2011-15</b>
	:	
<b>vs.</b>	:	
	:	
<b>DEKALB COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

This is an appeal by Florette Mattix (Appellant) from a decision by the DeKalb County Board of Education (Local Board) not to renew her teaching contract because of insubordination, incompetency, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims that the evidence did not support the charges, the school system witnesses gave perjured testimony, the school system misused federal funds, and there was a conspiracy against Appellant. The Local Board’s decision is SUSTAINED.

The Local Board employed Appellant as a middle school special education teacher. On May 5, 2010, the Local Superintendent notified Appellant that her contract would not be renewed for the 2010-2011 school year because of incompetence, insubordination, and other good and sufficient cause. A hearing on the charges was held before a three-member tribunal on June 16, 2010.

The tribunal heard evidence that Appellant was observed formally and informally on multiple occasions during the 2009-2010 school year. During an observation by Appellant’s principal in December 2009, she received four “needs improvement” (NI) ratings. In two subsequent observations, Appellant received four NI ratings and three NI ratings. Appellant’s principal placed her on two professional development plans to improve her written language skills, but Appellant did not complete all of the items of the plans. In an essay written as part of one of the professional development plans, Appellant made twenty-four grammatical, spelling, and punctuation errors. In a two-page email, Appellant’s principal counted twenty-six grammatical, spelling, and punctuation errors.

There was testimony that Appellant was unprepared when she came to class. Appellant testified that her lack of preparation resulted from the failure of her co-teacher to provide her with lesson plans until Tuesday or Wednesday of each week rather than on Monday morning.

There was evidence that the principal instructed the teachers not to use their cellular telephones during the day. Appellant, nevertheless, frequently used her telephone while at school. Appellant claimed that she only used the telephone during non-instructional time and then only to call parents.

The tribunal received evidence that Appellant falsified her arrival time when she arrived at 8:25 a.m. and signed in as arriving at 8:00 a.m. after being advised to sign in at her arrival time when she was late the previous day and had signed in as arriving at 8:00 a.m.

The tribunal recommended against renewal of Appellant's teaching contract. The Local Board adopted the tribunal's recommendation and Appellant filed an appeal to the State Board of Education.

On appeal to the State Board of Education, Appellant has raised several issues that were not addressed during the hearing before the tribunal. "If an issue is not raised at the initial hearing, it cannot be raised for the first time when an appeal is made." *Hutcheson v. DeKalb Cnty. Bd. of Educ.*, Case No. 1980-5 (Ga. SBE, May 8, 1980). The State Board of Education, as an appellate body, is not authorized to consider matters that have not been raised before the Local Board. *Sharpley v. Hall Cnty. Bd. of Educ.*, 251 Ga. 54, 303 S.E.2d 9 (1983). Appellant claims that the Georgia Teacher Observation Instrument was improperly prepared. She claims that state and federal funds were improperly used in the special education program. She claims that documents were altered before they were submitted to the hearing. Appellant raised none of these issues during the hearing, although an attorney represented her. Consequently, the State Board of Education cannot address these issues. The review by the State Board of Education has to be confined to the record created during the hearing before the tribunal or local board. O.C.G.A. § 20-2-1160(e).

Appellant claims there was no evidence to support the charges of insubordination, incompetency, and other good and sufficient cause. "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). There was evidence that Appellant's teaching methods were wanting and, despite two professional development plans, Appellant failed to improve when offered assistance by the administration. There was evidence that Appellant misspelled words and was corrected by students. Further evidence showed that Appellant appeared unprepared when she was teaching, gave wrong answers, asked inappropriate questions, and could not keep the students engaged. The State Board of Education, therefore, concludes that there was evidence that Appellant was incompetent.

Appellant claims that there was a conspiracy among the principal, the assistant principals, and the teachers who testified against her. There was, however, no evidence of a conspiracy presented during the hearing. There was evidence that Appellant had difficulties with the other teachers and did not work well with them, but the evidence did not point to a conspiracy.

The tribunal found that Appellant was insubordinate because she failed to complete her professional development plans. Appellant also used her cellular telephone during instructional time, left the school campus without permission, and failed to sign into the school properly after being instructed not to use her telephone, not to leave campus, and to sign in when she arrived rather than falsifying her arrival time. There was evidence in the record to support each of these charges although Appellant offered excuses for each item to show there was no intent to be insubordinate. The tribunal, as the trier of fact, could accept or reject these explanations. The State Board of Education concludes that there was evidence to support the charge of insubordination.

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 not to renew Appellant's teaching contract. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of November 2010.

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MARY SUE MURRAY  
VICE CHAIR FOR APPEALS