

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MELISSA RAHBE,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 2011-65
	:	
BARTOW COUNTY BOARD OF	:	DECISION
EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Melissa Rahbe from a decision by the Bartow County Board of Education (“Local Board”) terminating her employment contract for the 2010-2011 school year. The Local Board charged Appellant with incompetency, insubordination, willful neglect of duties, and other good and sufficient cause pursuant to O.C.G.A. § 20-2-940. After a hearing, the Local Board terminated Appellant’s employment contract. On appeal, Appellant challenges the sufficiency of the evidence supporting the Local Board’s decision. For the reasons set forth below, the decision of the Local Board is **SUSTAINED**.

I. PROCEDURAL BACKGROUND

On or about March 28, 2011, Appellant was notified that her annual contract for the 2010-2011 school-year was being recommended for termination. Appellant appealed the termination recommendation of her employment contract. The Local Board was convened, at which Appellant was provided the opportunity to present evidence and to subpoena witnesses. Appellant failed to offer any evidence in response to the charges against her. At the conclusion of the hearing, the Local Board unanimously voted to terminate Appellant’s employment contract. Appellant has appealed the decision of the Local Board to the State Board of Education (“State Board”).

II. FACTUAL BACKGROUND

Appellant was employed as a School Psychologist by the Local Board for approximately five (5) years. As a School Psychologist, Appellant was responsible for conducting psycho-educational evaluations for students being considered for or served by the Local Board’s special education program.

At the hearing, the Lead Psychologist testified that while Appellant was on medical leave, he discovered errors in some of the psychological testing Appellant had conducted. These concerns led him to conduct a more comprehensive review of the testing by all the psychologists employed by the Local Board. In doing so, the Lead Psychologist found that Appellant reported scores for tests she had not actually administered, she had administered

tests incorrectly, she had miscalculated scores and students' ages, and she had failed to maintain appropriate documentation. The Lead Psychologist testified that in approximately 119 of Appellant's evaluations, every evaluation contained errors, with a total number of errors exceeding 600 errors. When Appellant was questioned about these errors, Appellant was unable to provide any supporting documentations or any explanation for her actions. As a result, the Superintendent recommended the termination of Appellant's employment contract.

III. ERRORS ASSERTED ON APPEAL

On appeal, Appellant asserts several conclusory errors, but has failed to identify any specific arguments supporting her alleged errors. Moreover, the State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision of the Local Board, unless there is abuse of discretion or the decision is arbitrary and capricious as to be illegal. See Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 1976). For the reasons set forth below, the State Board finds that the record contains legally sufficient evidence to support the decision of the Local Board.

In this case, the record shows that Appellant was responsible for conducting psycho-educational evaluations for students being considered for or served by the Local Board's special education program. The record further shows that the Local Board found that Appellant's files contained numerous errors. Specifically, Appellant reported scores for tests she had not actually administered, she had administered tests incorrectly, she had miscalculated scores and students' ages, and she had failed to maintain appropriate documentation. The record shows that in approximately 119 of Appellant's evaluations, every evaluation contained errors, with a total number of errors exceeding 600 errors.

At the hearing, Appellant failed to offer any evidence, much less any evidence to respond to the Local Board's evidence. Thus, the Local Board's evidence is un-rebutted and more than sufficient to support the decision of the Local Board.

IV. CONCLUSION

Based upon the reasons set forth above, it is the opinion of the State Board of Education that the evidence supports the decision of the Local Board and it is, therefore, **SUSTAINED**.

This 8th day of September 2011.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS