

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>IN RE; MASTER</b>	)	<b>REPORT OF SPECIAL</b>
<b>JOHN S. DAVIS</b>	)	
<b>Petitioner</b>	)	<b>CASE NO. 1987-38</b>

**ORDER**

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Special Master, and after a vote in open meeting.

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Special Master are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the request of the Petitioner be denied.

This 10<sup>th</sup> day of December, 1987.

LARRY A FOSTER, SR.  
Vice Chairman for Appeals

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>IN RE:</b>	:	
	:	
<b>JOHN S. DAVIS</b>	:	
	:	
<b>Petitioner,</b>	:	<b>CASE NO. 1987-38</b>
	:	
<b>V.</b>	:	
	:	
<b>STATE DEPARTMENT OF</b>	:	<b>RECOMMENDATION OF</b>
<b>OF EDUCATION,</b>	:	<b>SPECIAL MASTER</b>
	:	
<b>Appellee.</b>	:	

**PART I**

**SUMMARY**

This is an appeal by John S. Davis (hereinafter “Petitioner”) from a decision of the State Department of Education (hereinafter “Department”) to deny him a teaching certificate because of his failure to pass the Teacher Performance Assessment Instrument (hereinafter “TPAI”) Appellant contends on appeal that the evaluation process used during his sixth assessment was not a fair and unbiased evaluation of his teaching competency. The Department contends there was no error in the process.

**PART II**

**FACTUAL BACKGROUND**

Petitioner was provided a hearing before the Certification Hearing Officer. It was established that Petitioner had waived four of the six assessment opportunities to which he was entitled. On the fifth assessment, Petitioner did not submit a portfolio; however, he was observed. Petitioner failed the sixth and final assessment when he failed to master two planning competencies and one observational competency.

### **PART III**

#### **DISCUSSION**

Petitioner contends on appeal that his evaluation was not fair. He bases his contention on his argument that, before the assessment process, the External Data Collector stopped by the school to visit him. When the External Data Collector could not speak with Petitioner, the External Data Collector told Petitioner's principal that he (the External Data Collector) had stopped by to assure Petitioner that he (the External Data Collector) was not out to "grind any axes." Petitioner questions this conduct and contends that the discrepancies in his TPAI test scores demonstrate that he did not receive a fair evaluation.

Petitioner has not provided any basis on which to justify his appeal. Petitioner's speculation with respect to the visit by the External Data Collector does not create a presumption that the External Data Collector acted in a biased manner. In fact, it would appear to the contrary. The discrepancies which existed in the scoring are the result of 'the testing process, and are one of the reasons why three individuals are used.

Petitioner also claims that the fact that he was rehired by his local system establishes that he is a competent teacher and the testing process is flawed. A local board's rehiring of a teacher is an indication of a teacher's competency, but it is not the determining factor of whether a teacher is competent. It also does not establish that the TPAI is flawed.

Petitioner has not presented any evidence that establishes that the TPAI was improperly administered or is an improper measure of a teacher's competency. The mere speculations presented by Petitioner are insufficient to establish any reason for overturning the decision of the Department of Education.

### **PART IV**

## **RECOMMENDATION**

Based upon the record submitted and the arguments made by Petitioner and the Department, the Special Master is of the opinion that Petitioner has shown no reason why his request for a certificate should not be denied. The Special Master, therefore, recommends that Petitioner's appeal be denied in its entirety.

L. O. Buckland  
Special Master