

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE:)
THERESA E. FULTON,)
Petitioner,)
v.) **CASE NO. 1987-40**
STATE DEPARTMENT OF)
EDUCATION,) **REPORT OF SPECIAL MASTER**
Appellee.)

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 14th day of January, 1988.

JOHN TAYLOR
Vice Chairman for Appeals

skills, Competency XII, which requires that the teacher demonstrate enthusiasm for teaching, learning, and the subject being taught. At the hearing below, Petitioner contended that the requirement was too subjective, and that it was her emotional state at the time of her assessments that prevented her from passing, rather than a lack of competence on her part.

In her petition to the State Board of Education, Petitioner contends that her efforts during her first and third assessments were directed to the teaching plans and materials instrument rather than the interpersonal skills instrument, that she waived her second and fourth opportunities, that her fifth assessment was tainted because her husband notified her the week before the assessment he wanted a separation, and her sixth assessment was tainted because of her separation from her husband.

Petitioner makes no challenge to the procedures involved in the assessment process in this Petition.

PART III

DISCUSSION

Petitioner has not presented any evidence that establishes that the TPAI was improperly administered or is an improper measure of a teacher's competency. Petitioner's family situation understandably creates a feeling of sympathy. Similarly the letters of recommendation and support provided on Petitioner's behalf create an impression that the assessment may have been in error. Unfortunately for the Petitioner, however, the process is designed to allow six attempts to demonstrate minimum competence in order to avoid failures for reasons such as those given by Petitioner. The six assessments provide ample opportunity for fairness and for correction of possible errors. There is no reason to assume any bias on the part of the evaluators, while the individuals who wrote letters in support of the Petitioner possibly had an inherent bias that comes from knowing the Petitioner. One of the purposes of the On-The-Job

Assessment is to remove the lack of objectivity in evaluating as much as possible. Petitioner's decision to waive two of the assessments can only be charged against herself. Thus, in spite of the sympathy which Petitioner's plight creates, the integrity of the assessment process has not been shown to be at issue. Because the assessment process has not been shown to be defective with respect to Petitioner's case, this Petition should be denied.

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 not shown sufficient reasons why her request for a certificate should not be denied. The Special Master, therefore, recommends that Petitioner's request for an additional opportunity to be assessed, be denied.

L. O. Buckland
Special Master