

STATE BOARD OF EDUCATION

STATE OF GEORGIA

TYRONE COPELAND,

Appellant

v.

**COBB COUNTY BOARD
OF EDUCATION,**

Appellee.

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CASE NO. 1987-43

DECISION

PART I

SUMMARY

This is an appeal by Tyrone Copeland (hereinafter "Appellant") from a decision of the Cobb County Board of Education (hereinafter "Local Board") to accept the recommendation of a tribunal of the Professional Practices Commission to terminate Appellant's contract as a teacher for the 1987-1988 school year on the grounds of incompetency, insubordination, and willful neglect of duties. Appellant contends on appeal that the facts relied upon by the tribunal were not accurate.

PART II

FACTUAL BACKGROUND

Appellant was employed by the Local Board as a classroom teacher from 1974 until the end of the 1986-1987 school year. Appellant was notified by the Local Superintendent that he intended to recommend Appellant's contract be non-renewed for the 1987-1988 school year. Appellant was notified that the grounds for non-renewal would be incompetency, insubordination, and willful neglect of duties, and other good and sufficient cause. Appellant requested a hearing, which was held August 4th and 5th, 1987, before a tribunal of the Professional Practices Commission ("Tribunal"). At the hearing, the Local Board presented six principals who had supervised Appellant over the course of his career, including the principals

who had supervised Appellant during the last few years. Each of the principals who testified stated that, based upon their review of Appellant, Appellant was not a competent teacher.

The Local Board also presented witnesses who observed Appellant as a teacher for the Local Board. A social studies supervisor, who observed Appellant in the late 1970's, testified that Appellant was not competent, and a math supervisor, who observed Appellant in 1985, testified that Appellant's teaching methods were not the methods of a competent instructor. An elementary education supervisor, who observed Appellant sixteen to twenty times during the 1985-1986 school year, testified that it was his opinion Appellant was not competent.

In addition to the testimony regarding Appellant's competency, several of the principals also testified that Appellant failed to keep his door open as requested, taught Black History without informing the principals of this lesson in his lesson plans, assigned homework as punishment in violation of school board policy, failed to follow school board policy on corporal punishment, failed to properly maintain student records, and failed to properly monitor the Criterion Reference Test.

The Tribunal issued its report to the Local Board and unanimously concluded that Appellant was guilty of the charges of incompetency, insubordination, and willful neglect of duties. Based upon its conclusion, the Tribunal determined it was unnecessary to address the issue of whether other good and sufficient cause existed.

The Local Board adopted the report of the tribunal as its own on October 22, 1987. Appellant filed this appeal on November 20, 1987.

PART III

DISCUSSION

Appellant provided a statement on appeal in which he attempts to refute the facts stated by the Tribunal. Basically, this statement takes the position that the facts relied upon by the

Tribunal are incorrect. Additionally, Appellant contends that because he received satisfactory to superior evaluations, and because he passed the Georgia Teacher Certification Test, his competence as a teacher is proved.

Appellant's arguments do not provide any grounds for reversal on appeal. The fact that Appellant disagrees with the findings of fact does not warrant reversal because there was ample evidence to support the finding of Appellant's incompetency as a teacher. Six principals and three other educational experts testified that they had observed Appellant's teaching, and that Appellant was incompetent as a teacher. There was no objection to their opinion testimony. Any errors in the facts, as alleged by Appellant, would not change the fact that there was abundant evidence of Appellant's incompetence as a teacher.

The Tribunal also found Appellant guilty of insubordination and willful neglect of duties. In light of the above determination on the charge of incompetence, it is unnecessary for this board to address the charges of insubordination and willful neglect of duties.

PART IV

DECISION

Based upon the foregoing discussion, the record presented, and the arguments of the parties, the State Board of Education concludes that there was evidence to support Appellant's nonrenewal. The decision of the Local Board is, therefore,

SUSTAINED.

JOHN M. TAYLOR
Vice Chairman