

STATE BOARD OF EDUCATION

STATE OF GEORGIA

**GEORGIA DEPARTMENT
OF EDUCATION,**

Appellant.

v.

VALERIE L. BANKS.

Appellee.

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CASE NO. 1988-32

ORDER

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted,

DETERMINES AND ORDERS, that the decision of the Special Master be sustained upon the vote of Mrs. Foster, Abrams, Owens, Sears, Carrell and Mrs. Baranco. Mrs. Lathem and Smith voted to reverse the decision of the Special Master.

Mrs. Cantrell was not present.

This 10th day of November, 1988.

John M. TAYLOR
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

GEORGIA DEPARTMENT OF EDUCATION	:	
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	:	
Petitioner,	:	
	:	CASE NO. 1988-32
V.	:	
	:	
	:	REPORT OF
VALERIE L. BANKS	:	SPECIAL MASTER
	:	
	:	
Respondent.	:	

This is a petition by the Teacher Assessment Unit of the Georgia Department of Education (“Petitioner”) to contest the finding and recommendation of the Certification Appeals Hearing Officer that the teacher, Valerie L. Banks (“Respondent”), be given an opportunity to receive an additional assessment. Respondent received six TPAI assessments and passed all of them except Competency III: Demonstrates acceptable written and oral expression and knowledge of the subject. The Certification Appeals Hearing Officer found that the last assessment was improperly administered, and that evidence was submitted that Respondent possessed an acceptable command of oral and written expression. The Special Master recommends that the State Board of Education grant Respondent another assessment.

Following her unsuccessful completion of her sixth assessment, Appellant appealed to the Department of Education. She claimed that the sixth assessment was improperly administered because she had requested a morning assessment, but the assessment was given in the afternoon. Additionally, she claimed that one of the assessors did not pay any attention during the assessment, but, instead, gazed out the window during the assessment. Respondent also claimed that she was improperly assessed on all competencies, even though she had passed all of them except Competency III. Respondent submitted copies of her portfolio to show that she had a command of oral and written expression.

The Certification Appeals Hearing Officer found that there was sufficient evidence to create doubt whether the last assessment was properly administered because Respondent had made known her desire to be assessed in the morning rather than in the afternoon. Additionally, the Certification Appeals Hearing Officer reviewed Respondent's portfolio and judged that it demonstrated a command of oral and written expression.

The Respondent claims that the Certification Appeals Hearing Officer erred by singling out Indicator 7, "Uses acceptable written expression", while ignoring Indicators 12, 13, and 14 of Competency III. Indicators 12, 13, and 14 are, respectively, "Uses acceptable written expression with learners", "Uses acceptable oral expression", and "Demonstrates command of school subject being taught". When all of the indicators are considered as a group, Petitioner scored only 25%. She did not receive any points for Indicator 13, "Uses acceptable oral expression", and she scored only 1 point for Indicator 14, "Demonstrates command of school subject being taught". Indicator 7 is scored based upon the portfolio submitted by the teacher, and Indicators 12, 13, and 14 are scored based upon the classroom observations. Respondent, thus, contends that even if credit were given for Indicator 7, Petitioner would not have passed Competency III.

Respondent also determined that the assessor who Petitioner thought was inattentive had given higher ratings than the other two observers. Additionally, Respondent maintains that Petitioner agreed to an afternoon assessment, and a teacher should be competent in the afternoon as well as in the morning.

Respondent's arguments have merit. The integrity of the TPAI indicates that Petitioner has not displayed minimum competence in six attempts. Nevertheless, if there is any factor that leads the Assessment Appeals Hearing Officer to determine that there was the possibility the TPAI was improperly administered, then the teacher should be given another opportunity to be assessed in order to provide additional assurances that the TPAI results in a proper evaluation of

a teacher's abilities. Accordingly, the Special Master recommends that Petitioner be granted another assessment.

This 31st day of October, 1988.

L. O. Buckland
Special Master