

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**JERRY W. MURKERSON,**

**Petitioner,**

v.

**GEORGIA DEPARTMENT  
OF EDUCATION,**

**Respondent.**

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**CASE NO. 1988-36**

**REPORT OF  
SPECIAL MASTER**

**PART I**

**SUMMARY**

This is a petition by Jerry W. Murkerson (“Petitioner”) from a decision of the State Department of Education (“Respondent”) to deny him a teaching certificate because he failed to pass the Teacher Performance Assessment Instrument (“TPAI”). Petitioner failed as a result of his low scores on the competency that requires a teacher to obtain information about the needs and progress of learners (Competency II, 1985 TPAI). Respondent contends there was no error in the process and that the petition should be denied.

**PART II**

**FACTUAL BACKGROUND**

Petitioner waived his first assessment opportunity and his second was invalidated because he failed to submit a portfolio. On his fourth assessment, he was able to obtain passing scores on six of the eight required competencies. On his fifth assessment, he obtained a passing score on another competency. Through his sixth assessment, however, he was unable to obtain a passing score on Competency II, “Obtains information about the needs and progress of learners.” This competency has three indicators, numbers 5, 6, and 11. Scores for Indicators 5 and 6 are based upon the portfolio submitted by the teacher, and Indicator 11 is based upon the in-class

observation of the teacher presenting the material in the portfolio. The highest score Petitioner was able to obtain on Competency II was 66.7%.

In support of his petition, Petitioner submitted letters from the superintendent, his principal, approximately ten other teachers, data collectors, and a petition with 197 signatures, all of which attest that Petitioner is one of the best teachers to enter the school system. The data collectors assert they reviewed Petitioner's work and saw nothing wrong with it. In addition, Appellant has undergone three rigorous evaluations within his own school and been one of the top-rated teachers under three different principals.

The Assessment Appeals Hearing Officer determined that Petitioner had not provided any evidence to show that the TPAI was improperly administered. He, therefore, recommended denial of Petitioner's appeal.

### **PART III**

#### **DISCUSSION**

Petitioner maintains that the TPAI is an improper assessment tool because it is too subjective. He also maintains that his demonstrated competence in the classroom establishes that the TPAI is an improper measurement of his ability. He claims that he was unable to obtain an explanation of what he did wrong; that trained data collectors have reviewed his work and have said there was nothing wrong with it. He claims, in effect, that too much emphasis is being placed on form over substance.

As pointed out by the Assessment Appeals Hearing Officer, the TPAI is a formal, validated assessment procedure that is used to measure rather than to teach. Appellant has not shown that the TPAI was improperly administered. Although he points to the fact that on Assessment 4, Indicator 5, two data collectors approved the work he submitted, but the third data

collector did not, this does not establish that the TPAI was improperly administered. It may indicate a degree of subjectivity, but the TPAI design makes allowances for subjectivity. A teacher cannot point to a single indicator and make any valid observations concerning the overall validity of the assessment instrument. Appellant has been unable to score more than 66.7% of minimum competence on Competency II when all of the indicators are considered.

#### **PART IV**

#### **RECOMMENDATION**

Based upon the foregoing, the record submitted, and the briefs and arguments submitted, the Special Master is of the opinion that Petitioner has not shown that the TPAI was improperly administered. The Special Master, therefore, recommends that Petitioner's appeal to have his teaching certificate reinstated, be

DENIED.

This 31st day of October, 1988.

L. O. Buckland  
Special Master

