

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**WILLAM E. STRICKLAND, III,            )        CASE NO. 1988-39**

**Petitioner,**

**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 unanimous vote.

Mr. Foster was not present.

This 12th day of January, 1989.

John M. Taylor  
Vice Chairman for Appeals

**STATE BOARD OF EDUCATION**

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**WILLIAM E. STRICKLAND III,**

**Petitioner,**

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**CASE NO. 1988-39**

**REPORT OF  
SPECIAL MASTER**

**PART I**

**SUMMARY**

This is an appeal by William E. Strickland (“Petitioner”) from a decision by the Georgia Department of Education (“Department”) not to permit him to take another Teacher Performance Assessment Instrument (“TPAI”) test after he had waived two tests and failed four tests. The Special Master recommends that Petitioner’s request to take another assessment be denied.

**PART II**

**FACTUAL BACKGROUND**

Petitioner was employed by the Clarke County Board of Education. He became a teacher after spending a number of years in law enforcement. As a new teacher in the State of Georgia, he was given six opportunities to pass the TPAI in order to remain in the teaching profession.

Petitioner waived his first two assessment opportunities due to personal problems he encountered. His third assessment was invalidated because he failed to submit his teaching portfolio, which is one of the assessment requirements. He subsequently passed all of the TPAI requirements except Competency II, “Obtains Information About the Needs and Progress of Learners”. In his fourth, fifth, and sixth assessments, Petitioner scored 44.4%, 33.3%, and

55.6%, respectively, on Competency II. On the other competencies, Petitioner had an average score of 93.2%.

Competency II involves three indicators, numbers 5, 6, and 11. Indicator 5, “Specifies or selects procedures or materials for assessing learner performance on objectives”, and Indicator 6, “Uses systematic procedures to assess all learners”, involve the submission of a portfolio for review. It is these two indicators that Petitioner failed to pass.

The Department Hearing Officer found that Petitioner had not presented any evidence to establish reasonable grounds for granting him another opportunity to be assessed. He found that Petitioner had voluntarily waived two assessments and caused the third assessment to be invalidated, and Petitioner’s scores were low on Competency II.

### **PART III**

#### **DISCUSSION**

Petitioner maintains on appeal that the TPAI is an improper method of determining the competency of teachers. He also argues that the assessment requirements are invalid because they were not enacted in compliance with the Georgia Administrative Procedures Act. He also says that he waived the first two assessments and caused the third to be invalidated because of personal problems he was experiencing at the time. He also argues that the only reason he failed to pass Competency II was because his portfolio was inadequate. Finally, Petitioner argues that he should be given an opportunity to be assessed again because new teachers now have an opportunity to defer an assessment, and an new assessment would be the same as a deferral because he was assessed only three times.

The Department argues that the TPAI’s validity has not been judicially determined, and, based upon the methods of constructing the TPAI, it is presumed to be valid. The Department

also argues that Petitioner's scores on Competency II show that he has not made any progress and there is no indication he would be able to pass if given another opportunity. The Department points out that the opportunity to defer an assessment was instituted in 1987 and was not made retroactive. Additionally, even if a teacher defers an assessment, all of the assessments must be completed within a three year period, and Petitioner has passed the three year period.

Although Petitioner has made allegations that the TPAI is an improper instrument for measuring teacher competency, he has not presented any evidence that the tests were improperly administered, nor has he presented any evidence to establish that the TPAI is statistically invalid. Petitioner also has not presented any legal or policy reasons why the State Board of Education should waive the requirement that all six examinations have to be taken within a three-year period.

**PART IV**  
**RECOMMENDATION**

Based upon the foregoing, the record submitted and the arguments made, the Special Master recommends that Petitioner not be granted an opportunity to take another assessment.

This 8<sup>th</sup> day of December, 1988.

L. O. Buckland  
Special Master