

STATE BOARD OF EDUCATION

STATE OF GEORGIA

FLETA P. SMITH,	:	
Appellant	:	
	:	CASE NO. 1993-33
v.	:	
	:	DECISION
ATLANTA CITY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

PART I

SUMMARY

This is an appeal by Fleta P. Smith (Appellant) from a decision by the Atlanta City Board of Education (Local Board) not to renew her teaching contract for the 1993-1994 school year because of incompetence, insubordination and willful neglect of her duties. Appellant maintains on appeal that there was no evidence to support the decision of the Local Board. The Local Board's decision is sustained.

PART II

FACTUAL BACKGROUND

Appellant was a seventh grade teacher who had taught for more than four years. On April 12, 1993, the Local Superintendent informed Appellant that her contract would not be renewed because of deficiencies in her performance as a teacher. A detailed letter, dated April 28, 1993, charged that Appellant exhibited inadequate, insufficient, and inappropriate classroom management and organization in her classroom, that her instructional skills and instructional techniques had been below acceptable performance levels, that she refused to work cooperatively with the school administration in their attempts to remedy identified teaching deficiencies and classroom management weaknesses in her performance, that she exhibited a negative attitude toward supervision, that she failed to follow established school procedures, that she exhibited inappropriate and unprofessional behavior by interrupting a parent-teacher conference in which she was not involved, that she failed to create a climate within her classroom with sufficient structure and organization to maintain an environment conducive to student learning, and that she failed and refused to remedy those teaching deficiencies despite numerous conferences with her by her principal and curriculum resource personnel and failed to take advantage of opportunities provided to assist her in that regard. Appellant requested a hearing before the Local Board.

A tribunal of the Local Board conducted a hearing on June 23, 1993. At the hearing, evidence was presented that at the beginning of the 1992-1993 school year the principal, the curriculum specialist and the vice principal began observing the entire program at Appellant's school. The principal testified that in early September, 1992, the team observed that Appellant was having classroom management and control problems. During the course of several informal observations in September, Appellant was cited because her class usually was noisy and out of control, too many of her students were off task, she did not adhere to the school schedule and dismissed students before the bell rang, she permitted too many students in the halls without passes, and she had incomplete bulletin boards and learning centers and did not display her students' work. The principal asked to see Appellant on September 29, 1992 to give her assistance, helpful handouts and suggestions to correct her identified weaknesses but Appellant rejected the help.

The principal formally evaluated Appellant's teaching performance on October 13, 1992. During the evaluation, the principal observed several teaching deficiencies. Appellant refused to sign the evaluation. The principal testified that she tried to give Appellant extra help to correct her teaching deficiencies but Appellant rejected the help.

The principal sent Appellant a memorandum on October 21, 1992, concerning her deficient classroom instruction and bulletin boards. During November, Appellant was again cited for failing to supervise her students when they returned from the library, for management control problems, for poor classroom organization, for not supervising her students, for her class being too noisy and disruptive and for incomplete bulletin boards. Several witnesses testified that Appellant regularly put her students outside the classroom when they misbehaved, even though this is against the school regulations.

The principal observed appellant's class again on December 9, 1992, and noted that Appellant did not build upon the knowledge of the students, the lesson was not focused and Appellant made little effort to monitor student behavior and progress. Appellant refused to sign the evaluation.

The principal testified that she put Appellant on a Professional Development Plan in January, 1993. Appellant was assigned to four in-service workshops to assist her in the identified teaching performance deficiencies. Appellant failed to attend the first three workshops and did not attempt to obtain any of the workshop materials.

On March 19, 1992, the curriculum specialist evaluated Appellant and found that her teaching was still unsatisfactory. The principal also testified that she taught Appellant's class a few times but Appellant never paid attention to the example.

Although Appellant's class scored the highest of the seventh grade classes on the Iowa Tests of Basic Skills, the principal and the two curriculum specialists testified that the teachers work as a team and the tests show the knowledge the student's accumulated in prior years so that the scores cannot be solely attributed to Appellant's teaching skills.

The curriculum specialist testified that she did several things to try to assist Appellant in correcting her teaching deficiencies. This assistance included providing helpful handouts describing teaching techniques, pairing Appellant with other teachers who are strong in Appellant's deficient areas, and assigning her to in-service workshops. None of this assistance corrected the identified deficiencies. Another curriculum specialist testified that he had a conference with Appellant to go over the observations and to give her suggestions. He stated that she was disagreeable and tried to justify her behavior rather than accept the help. Finally, Appellant testified that she does have some classroom management and instructional skill deficiencies but that she refused to sign the evaluations because they were unfair to her. Appellant testified that the evaluators were looking for the bad in her and that she was a capable teacher.

At the conclusion of the hearing, the Hearing Tribunal recommended non-renewal of Appellant's teaching contract. On July 12, 1993, the Local Board voted to uphold the recommendation of the Hearing Tribunal. A timely appeal was then made to the State Board of Education.

PART III

DISCUSSION

On appeal, Appellant maintains that there was insufficient evidence to sustain the decision of the Local Board. "The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. *See, Ransum v. Chattooga County Bd. of Educ.*, 144 Ga. App. 783, 242 S.E.2d 374 (1978); *Antone v. Greene County Bd. of Educ.*, Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." *Roderick J. v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). As recited in the factual background, there was substantial evidence presented to the Local Board from which the Local Board could conclude that Appellant was incompetent. Appellant rejected the assistance offered to her and did not correct her deficiencies. The State Board of Education, therefore, concludes that the evidence supports the Local Board's decision.

Appellant also maintains on appeal that the Local Board failed to comply with the provisions of O.C.G.A. § 20-2-210 and State Board of Education Rule 160-3-1-.11 in conducting her annual performance evaluation and in declining to renew her contract. O.C.G.A. § 20-2-210 provides that "progress relative to completing the annual professional development plan shall be assessed during the annual evaluation process." A Professional Development Plan was implemented in January, 1993. Rule 160-3-1-.11 states that "the annual evaluation cycle is from the date of completion of the annual evaluation summary for one year to the date of completion of the following year's annual evaluation summary." While the record shows that the Appellant did not have one year from the date the Professional Development Plan was written to correct her deficiencies, O.C.G.A. § 20-2-210 does not provide a teacher with any additional substantive rights beyond those contained in the Fair Dismissal Act, O.C.G.A. § 20-2-940, *et seq.* O.C.G.A. § 20-2-210's only purpose is to provide teachers with assistance. The State Board of Education concludes that it was unnecessary to complete a full year under a professional development plan before not renewing Appellant's contract.

PART 1V

DECISION

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the decision of the Local Board not to renew Appellant's teaching contract. The Local Board's decision, therefore, is

SUSTAINED.

This 11th day of November, 1993.

Robert M. Brinson
Vice Chairman for Appeals