

STATE BOARD OF EDUCATION

STATE OF GEORGIA

FINNEY WILKINS,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-06
	:	
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Finney Wilkins (Appellant) from a decision by the DeKalb County Board of Education (Local Board) not to renew her teaching contract for the 2006-2007 school year because of other good and sufficient causes under the provisions of O.C.G.A. § 20-2-940. Appellant claims that the Local Board’s failure to renew her contract was a retaliatory measure against her because she spoke up about funding problems for the Title I reading program she was associated with at another school. The Local Board’s decision is sustained.

At the beginning of the 2005-2006 school year, Appellant, a 22-year veteran social studies teacher for the Local Board, transferred to McNair High School to begin teaching in a Title I reading program. Appellant perceived that her program was not being funded properly and she began asking questions and for supplies. She also asked to be transferred to another school. Three weeks into the 2005-2006 school year, Appellant was transferred to a new high school to again teach social studies.

The class into which Appellant was transferred had been taught by a young paraprofessional who the students liked. The students were upset when Appellant appeared on the scene and discord immediately appeared. The students, and the parents of students, began complaining to the school administration that Appellant was not teaching properly. The principal and vice-principals began a series of observations and determined that Appellant was having problems with classroom management. Students were observed in Appellant’s class talking, using profanity, and sleeping without any correction by Appellant.

On October 18, 2005, an assistant principal observed Appellant and gave her ten “Needs Improvement” ratings without a single “Satisfactory” rating. Shortly thereafter, the principal initiated a professional development plan (PDP) for Appellant. In November 2005, Appellant broke her wrist and was on medical leave until January 2006.

On January 11, 2006, an assistant principal observed five students asleep in Appellant's classroom. Additionally, Appellant had not completed any of the elements of her PDP.

On March 17, 2006, the Local Superintendent wrote to Appellant and told her that her contract would not be renewed based upon charges of incompetency, insubordination, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant requested a hearing on the charges, which was held before a tribunal.

The tribunal found that Appellant had permitted students to sleep in her classroom and remain off task, that Appellant exhibited poor classroom management, and that Appellant failed to respond to the PDP issued by her principal. The tribunal found good and sufficient cause to discipline Appellant, but recommended that the Local Board transfer her to a new school. The Local Board, however, voted not to renew Appellant's contract based upon the tribunal's findings. Appellant then filed an appeal with the State Board of Education.

On appeal, Appellant claims that the Local Board did not renew her teaching contract because she spoke out about the problems with the Title I reading program at McNair High School. Appellant, however, never raised this issue in the hearing before the tribunal. "If an issue is not raised at the initial hearing, it cannot be raised for the first time when an appeal is made." *Hutcheson v. DeKalb Cnty. Bd. of Educ.*, Case No. 1980-5 (Ga. SBE, May 8, 1980). The State Board of Education, as an appellate body, is not authorized to consider matters that have not been raised before the Local Board. *Sharpley v. Hall Cnty. Bd. of Educ.*, 251 Ga. 54, 303 S.E.2d 9 (1983). There is, therefore, no merit in Appellant's claim.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority in not renewing Appellant's teaching contract. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of October 2006.

Wanda T. Barrs
Chair, State Board of Education

SUMMARY

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