

STATE BOARD OF EDUCATION

STATE OF GEORGIA

RONALD WILLIAMS,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 2011-02
	:	
GRADY COUNTY BOARD OF EDUCATION,	:	DECISION
	:	
	:	
Appellee.	:	

This is an appeal by Ronald Williams from a decision by the Grady County Board of Education (“Local Board”) non-renewing his employment contract for the 2010-2011 school year. The Local Board non-renewed Appellant’s employment contract pursuant to O.C.G.A. § 20-2-940 based upon his performance issues. On appeal, Appellant does not appear to challenge the evidence supporting the Local Board’s decision, but rather contends that the Local Board did not follow O.C.G.A. § 20-2-210 regarding performance evaluations and observations. For the reasons set forth below, the decision of the Local Board is **SUSTAINED**.

I. PROCEDURAL BACKGROUND

On or about April 1, 2010, Appellant was notified that his annual contract for the 2010-2011 school year was being recommended for non-renewal. Appellant appealed the non-renewal recommendation of his employment contract. The Local Board provided the Appellant a hearing with the opportunity to present evidence. After hearing the evidence, the Local Board non-renewed Appellant’s employment contract. Appellant has appealed the decision of the Local Board to the State Board of Education (“State Board”).

II. FACTUAL BACKGROUND

Prior to August of 2009, Appellant was employed by the Local Board as a Special Education teacher at Washington Middle School. Appellant was transferred to Cairo High School during the 2009-2010 school year. At the hearing, the Local Board provided testimony from several employees regarding observations, evaluations, training sessions, and coaching sessions received by Appellant regarding his classroom performance. The Behavior Interventionist provided coaching and lesson plans to Appellant throughout the 2008-2009 and 2009-2010 school years. The Behavior Interventionist testified that she observed Appellant in his classroom and met with him frequently to provide coaching. She further testified about her concerns regarding Appellant's lack of classroom management.

At the hearing, the Disabilities Instructional Coach testified she worked with Appellant and that his teaching was unsatisfactory. She further testified that she found little or no instruction occurring in Appellant's classroom during observation sessions and that he lacked classroom organization, he lacked lesson organization, he had poor use of course materials, he had improper use of supplemental programs as primary curriculum, he lacked maintaining classroom records of learning, he lacked teacher preparation, and his classroom lacked student involvement and participation.

The County Director of Special Education testified that Appellant failed to competently instruct his students and that students did not learn in his class. During her observations of Appellant, she found that he did not have lesson plans for the classroom, some students did not have the necessary materials, and some students were not working on any material or were using inappropriate material.

These performance deficiencies were documented by the Local Board in observations and a Professional Development Plan (PDP), and discussed with Appellant. These performance issues were discussed with the Principal. Appellant's performance did not improve, which led to the recommendation of non-renewal of Appellant's employment contract for the 2010-2011 school year.

III. ERRORS ASSERTED ON APPEAL

A. Local Board's Motion to Dismiss.

As an initial matter, the Local Board has moved to dismiss this appeal asserting that Appellant failed to file his appeal with the superintendent within thirty (30) days of the decision of the Local Board as required by O.C.G.A. § 20-2-1160(b). The record shows that the Local Board issued its decision at the hearing on May 12, 2010 and issued a written decision on May 20, 2010. Appellant filed his appeal with the superintendent by letter dated July 2, 2010, which the Local Board contends was not received until July 6, 2010. Thus, using the latest date of May 20th and the earliest of July 2nd, this appeal was filed forty-three (43) days after the decision. Thus, this appeal is untimely and is DISMISSED.

B. O.C.G.A. § 20-2-210.

Even assuming this appeal was properly before the Board, Appellant's alleged errors are without merit. Appellant asserts that the Local Board erred because it failed to comply with O.C.G.A. § 20-2-210 by issuing Appellant a PDP and because the Principal did not conduct the observations. Appellant has failed to cite any legal authority supporting his assertion that a Local Board's alleged failure to comply with O.C.G.A. § 20-2-210 prohibits the non-renewal of a teacher. See Grigsby v. DeKalb County Bd. of Educ., Case No. 2009-62 (Ga. SBE, Oct. 2009). Moreover, a review of the record shows that evidence exists showing that Appellant was

issued a PDP and observations were conducted by administrators of the Local Board. Thus, this alleged error is without merit.

C. Record Evidence.

Furthermore, the Local Board's decision is supported by the record. The State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision of the Local Board, unless there is abuse of discretion or the decision is arbitrary and capricious as to be illegal. See Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976). For the reasons set forth below, the State Board finds that the record contains legally sufficient evidence to support the decision of the Local Board.

As set forth above, the record contains evidence showing Appellant's performance deficiencies. The record further shows that the Local Board provided Appellant with coaching and training to help him improve. The record further shows that the Local Board engaged in observations and a PDP. Appellant was provided an opportunity to improve his performance, but he was not successful, which led to the non-renewal of his employment contract. Thus, the decision of the Local Board must be upheld by this Board.

IV. CONCLUSION

Based upon the reasons set forth above, it is the opinion of the State Board of Education that this appeal was not timely filed. Furthermore, the evidence supports the decision of the Local Board and it is, therefore, **SUSTAINED**.

This _____ day of September 2010.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS