

STATE BOARD OF EDUCATION

STATE OF GEORGIA

LYNETTE SWINT,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2012-08
	:	
CLAYTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION
	:	

This is an appeal by Lynette Swint (Appellant) from a decision by the Clayton County Board of Education (Local Board) not to renew her teaching contract for failure to secure and maintain necessary educational training under the provisions of O.C.G.A. § 20-2-940(a)(7). Appellant argues that the Local Board’s decision was arbitrary and capricious because she was qualified to teach in a number of areas, but the school system arbitrarily assigned her to teach a class that she was unqualified to teach and gave her only two months to pass the Georgia Assessments for the Certification of Educators (GACE) examination. The Local Board’s decision is sustained.

The Local Board employed Appellant as a teacher for 13 years. During the last four or five years, Appellant was assigned to teach economics and American government. Prior to 2006, Appellant held a renewable certificate in social studies, but the Professional Standards Commission restructured the social studies certification in 2006, breaking it into five different content areas, including economics and political science, which embraced the teaching of American government, that required separate passage of the GACE examination for each content area. Consequently, Appellant’s certification became non-renewable in each of the five content areas, with an expiration date of June 30, 2011, for all five content areas.

Appellant knew about the changed requirements from the time they went into effect. She took and passed the GACE examination for economics, but was unable to pass the political science examination during two attempts in March 2010 and January 2011. The Local Superintendent recommended against renewing Appellant’s teaching contract because she failed to secure and maintain necessary educational training under the provisions of O.C.G.A. § 20-2-940(a)(7).

Appellant requested a hearing on the charges, which was granted and heard by a three-member tribunal. The tribunal found that the charge was supported by the evidence and recommended against renewal of Appellant’s teaching contract. The Local Board adopted the tribunal’s recommendation and voted against renewing Appellant’s teaching contract. Appellant then appealed to the State Board of Education.

Appellant claims that the Local Board's decision was arbitrary and capricious because the school system should have assigned her to teach only economics since she was certified and fully qualified in that content area. Appellant also claims that the Local Board did not have a policy that prevented her from teaching only one subject and there were some teachers in the school system who only taught one subject.

Despite Appellant's protestations, there is no requirement for a school system to assign a teacher to teach only in a content area in which they are able to pass the GACE examination. Appellant had been assigned to teach American government for a number of years, was aware of the need to be certified in political science to be able to continue to teach American government, and there were no economics only positions available. Although there was evidence during the hearing that an economics only position could have been created for Appellant, the school system is not required to structure its curriculum load to meet the needs of a single teacher.

The record shows that the school system provided Appellant with advance notice that she was in jeopardy of not having her contract renewed. There was also evidence that the requirements imposed on Appellant were mandated by law and not arbitrarily applied by 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). In the instant case, there was evidence that the Local Board followed all of the proper procedures, that its decision was based upon established procedures within the school system, and that there were sound reasons for the procedures used by the school system. Appellant has failed to point out any error on the part of the Local Board or the school system.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that the Local Board's decision was not arbitrary or capricious and that there was evidence to support the Local Board's decision. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of January 2012.

Mary Sue Murray
Vice Chair for Appeals