

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. H.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-9
	:	
HARRIS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by A. H. (Student) from a decision by the Harris County Board of Education (Local Board) not to issue a reprimand to a teacher. The appeal is dismissed because the State Board of Education lacks jurisdiction to consider the matter since it does not involve an issue of school law.

The Local Board adopted a policy, Policy JCE, for students to express their concerns about conditions in the school system. The policy does not cover any complaints about disciplinary matters. During September 1999, the Student, a third-grader, filed a complaint in which she alleged that her teacher did not allow her to use the restroom and the teacher would not allow her to call home to change her shoes after she stepped in some dog excrement. The Student wanted the teacher to apologize and wanted the Local Board to reprimand the teacher.

The Local Superintendent investigated the complaint and decided that there was insufficient evidence to support the Student's allegations. Nevertheless, the Superintendent placed the teacher on a professional development plan to work on her communication with parents. The Student found the Local Superintendent's decision unacceptable and appealed to the Local Board. The Local Board agreed with the Local Superintendent and refused to take any action against the teacher. The Student then filed an appeal to the State Board of Education.

O.C.G.A. § 20-2-1160 provides that local boards of education can "constitute a tribunal for hearing and determining any matter of local controversy in reference to the construction or administration of the school law...." O.C.G.A. § 20-2-1160(a). The State Board of Education has jurisdiction to hear appeals only in those situations where the local board sits as a tribunal in reference to the construction or administration of school law. *See, Boney v. County Bd. of Educ. of Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947). The Local Board's Policy JCE does not involve the construction or administration of school law, nor does the incident or the demands of the Student involve the construction or administration of school law. Instead, the policy merely provides a formal

method for students to make complaints that cannot be resolved in an informal manner. The policy does not provide for an appeal to the State Board of Education. In fact, whether the Local Board even hears the matter is completely discretionary with the Local Board. There is nothing in Title 20 of the Official Code of Georgia Annotated or in the regulations of the State Board of Education that requires a local board of education to take any action against a teacher when a student complains. The State Board of Education concludes that it does not have jurisdiction to consider the appeal since the Local Board's decision did not involve the administration or interpretation of school law.

Based upon the foregoing, it is the opinion of the State Board of Education that it lacks jurisdiction to consider the appeal from the Local Board's decision because the administration or interpretation of school law is not involved. Accordingly, the appeal is hereby
DISMISSED.

This _____ day of June 2000.

Bruce Jackson
Vice Chairman for Appeals