

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

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|----------------------------|---|-------------------------|
| <b>KERRY ENGLISH,</b>      | : |                         |
|                            | : |                         |
| <b>Appellant,</b>          | : |                         |
|                            | : |                         |
| <b>vs.</b>                 | : | <b>CASE NO. 2007-19</b> |
|                            | : |                         |
| <b>THOMASVILLE CITY</b>    | : |                         |
| <b>BOARD OF EDUCATION,</b> | : |                         |
|                            | : | <b>DECISION</b>         |
| <b>Appellee.</b>           | : |                         |

This is an appeal by Kerry English (Appellant) from a decision by the Thomasville City Board of Education (Local Board) to remove him from his coaching positions based upon insubordination, willful neglect of duties, and other good and sufficient cause. Appellant claims that there was no evidence that he was insubordinate, willfully neglected his duties, or of any other good and sufficient cause. The appeal in this matter is dismissed because the State Board of Education lacks jurisdiction to consider the Local Board’s decision since it does not involve the administration or interpretation of school law.

Appellant served as an assistant football coach and assistant baseball coach. The head football coach became dissatisfied with Appellant’s performance as an assistant coach during the 2005-2006 season. The head football coach felt that Appellant had a negative attitude. Assistant coaches were directed to be at practice as soon as possible after classes were over at 3:00 p.m. to get equipment ready and to assist the players with their equipment. Appellant, however, frequently did not show up for practice until almost 4:00 p.m. when practice actually started.

Following practice, the coaches and players would meet to discuss the practice. During these team meetings, Appellant frequently wandered away and began picking up equipment or started talking with a sideline observer. When the coaches had meetings, Appellant argued with the head coach, would roll his eyes and shake his head, or he would close his eyes and appear to be asleep.

The head football coach talked with Appellant in December 2005 about participating positively in the football program. The head football coach then directed Appellant and another coach to set up an elementary football camp during the spring. Instead of assisting with the camp, Appellant told the other coach that he had other duties and would not be able to assist with the camp.

In July 2006, the head coach and Appellant had an argument and the head coach decided to ask the Local Superintendent to relieve Appellant of his coaching duties. The Local Superintendent gave Appellant notice that a recommendation would be made to the Local Board to relieve him of his coaching duties because of insubordination, willful neglect of duties, and other good and sufficient cause. Appellant asked for a hearing before the Local Board, which

was given to him on September 15, 2006. At the conclusion of the hearing, the Local Board voted to relieve Appellant of all his coaching duties. Appellant then appealed to the State Board of Education.

On appeal, Appellant claims there was no evidence that he was insubordinate, willfully neglected his duties, or of any other good and sufficient cause to relieve him from his coaching duties. Additionally, he claims there was no evidence presented that related to his job as an assistant baseball coach.

In *Bonner, et al. v. Fulton Cnty. Bd. of Educ.*, Case No. 1989-24 (Ga. SBE, Dec. 14, 1989), we found that a local board of education did not have to provide a hearing before removing a supplemental duty, such as coaching, from a teacher. “The State Board of Education ... has consistently held that the assignment of coaching duties, and similar supplemental duties, are matters of internal administration and do not involve the administration or interpretation of school law.” *Downes v. Cobb Cnty. Bd. of Educ.*, Case No. 2005-17 (Ga. SBE, 2005). Under the provisions of O.C.G.A. § 20-2-1160, the State Board of Education is given the authority to review the decisions of local boards of education that involve the administration or interpretation of school law. In the absence of an issue involving the administration or interpretation of school law, the State Board of Education does not have jurisdiction to review a local board’s decision. *See, Boney v. County Bd. of Educ. of Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947). Since the issues raised in this appeal only involve the Local Board’s decision to remove the supplemental coaching duties from Appellant, it follows that the State Board of Education does not have jurisdiction to review the Local Board’s decision, regardless of the amount of evidence presented to the Local Board.<sup>1</sup>

Based upon the foregoing, it is the opinion of the State Board of Education that it lacks jurisdiction to review the Local Board’s decision to remove Appellant’s supplemental coaching duties. Accordingly, the appeal is hereby DISMISSED.

This \_\_\_\_\_ day of February 2007.

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William Bradley Bryant  
Vice Chairman for Appeal

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<sup>1</sup> Appellant’s contract provides, “It is specifically understood and agreed that this provision [concerning supplemental coaching] creates no expectancy of future employment in connection with these duties and responsibilities, which shall be renewed or continued at the discretion of the Employer”. Thus, Appellant could not have had an expectation that he had any vested property interest in the coaching positions.