

STATE BOARD OF EDUCATION

STATE OF GEORGIA

VIVIAN LOGAN, )  
Appellant, )  
v. ) CASE NO. 1985-24  
THOMASTON CITY BOARD OF EDUCATION, )  
Appellee. )

O R D E R

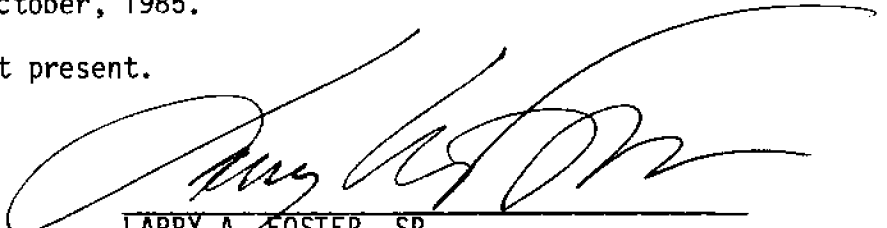
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the appeal of the decision of the Thomaston City Board of Education herein is hereby DISMISSED due to the fact that the State Board of Education lacks jurisdiction to decide the issues raised on appeal.

This 10th day of October, 1985.

Mr. Temples was not present.



LARRY A. FOSTER, SR.  
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

VIVIAN LOGAN,	)	
	)	
Appellant,	)	
	)	CASE NO. 1985-24
v.	)	
	)	
THOMASTON CITY BOARD	)	
OF EDUCATION,	)	
	)	REPORT OF STATE
Appellee.	)	HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an appeal by Vivian Logan (hereinafter "Appellant") from a decision of the Thomaston City Board of Education (hereinafter "Local Board") directing the Local Superintendent to contact the Professional Practices Commission (hereinafter "PPC") and request that they institute an investigation into the conduct of Appellant to determine whether said conduct is violative of the Code of Ethics of the PPC, or the rules, regulations or policies of the State Board of Education, the PPC, or the Local Board, and that, upon completion of said investigation, the PPC furnish the Local Board their findings, conclusions, and recommendations. Appellant contends that the action of the Local Board should be enjoined because her constitutional rights have been abrogated. The Local Board contends the appeal should be dismissed because Appellant has failed to

state an appealable issue and because the matter is now moot. The State Hearing Officer recommends the appeal be dismissed.

## PART II

### FACTUAL BACKGROUND

Appellant is a teacher in the Local System who was involved in an altercation with two other teachers. The facts involving that situation and the Board hearing surrounding that situation are not necessary for the purposes of this decision. The Local Board passed a resolution at a board meeting held June 19, 1985. The resolution dissolved certain actions which had previously been taken by the Local Board against Appellant and directed the Local Superintendent to ask the PPC to conduct an investigation of Appellant. Appellant was not present at the meeting on June 19, 1985, nor was any individual representing her interests. No issue was raised at that meeting as to whether the Local Board had the authority under the facts of this case to request an investigation by the PPC.

Appellant filed this appeal June 26, 1985 contending the action of the Local Board requesting the investigation by the PPC was invalid.

## PART III

### DISCUSSION

Appellant contends on appeal, first, that the Local Board's decision requesting an investigation of her was in retaliation of Appellant's exercising her constitutional right of appeal

from a previous hearing concerning the same altercation and, second, that the Local Board was required to give her a hearing before it made its decision.

Appellant's second contention, that the Local Board was required to provide her a hearing, itself demonstrates that the State Board of Education should dismiss the appeal without consideration of Appellant's first contention. As the record shows, and as Appellant argues, no hearing was conducted by the Local Board concerning whether the Local Board had the authority to make the decision regarding the investigation. O.C.G.A. §20-2-1160 provides that appeals may be made to the State Board of Education from decisions of a local board rendered on a contested issue after a hearing. The issue raised by Appellant here is whether the Local Board had the right to request the investigation. The record submitted does not reflect that a hearing has been held by the Local Board on this issue, and it is well settled that issues not raised before the Local Board may not be raised on appeal before the State Board of Education and the State Board of Education only has jurisdiction when there has been a hearing before a local board of education. See, Sharpley v. Hall Cnty. Bd. of Ed., 251 Ga. 54 (1983); Owen v. Long Cnty. Bd. of Ed., 245 Ga. 647 (1980); Boney v. County Bd. of Ed., 203 Ga. 152 (1947). Thus, no appealable

issue is before the State Board of Education for its decision and, thus, the State Board of Education lacks jurisdiction to issue a decision on the appeal.

PART IV

CONCLUSION

Based upon the foregoing, the record presented, and the briefs and arguments of counsel, the State Hearing Officer is of the opinion that no hearing has been held by the Local Board on the issues raised on appeal and, thus, the State Board of Education lacks jurisdiction to decide the issues raised on appeal. The State Hearing Officer, therefore, recommends the appeal be

DISMISSED.

  
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L. O. BUCKLAND  
State Hearing Officer