

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ANDREW COLEMAN,	:	
	:	
Appellant,	:	
	:	CASE NO. 1994-63
vs.	:	
	:	DECISION
MUSCOGEE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

**PART I
SUMMARY**

This is an appeal by Andrew Coleman (Appellant) from a decision by the Muscogee County Board of Education (Local Board) not to renew his contract as a principal for the 1994-1995 school year. Appellant claims that a group of teachers conspired to deny him his civil rights and to deny him his right of free speech. The Local Board's decision is sustained.

**PART II
FACTUAL BACKGROUND**

Appellant was hired as the principal of Carver High School at the beginning of the 1992-1993 school year. From the outset, Appellant, who had no previous experience as a high school principal, began having significant problems in his professional relations with some of his teaching staff. By the end of the first year, the faculty was divided, with some teachers supporting Appellant and some teachers not supporting him. In April, 1993, a citizen of Muscogee County filed a complaint against Appellant with the Professional Practices Commission (PPC).

The PPC conducted an investigation from August, 1993, through February, 1994. The PPC issued a report on March 29, 1994. Based upon the dissension found, the PPC recommended "a change in the school's chief administrative position...."

Appellant was properly notified by the Local Superintendent that his contract would not be renewed. The Local Superintendent did not give any reasons for his decision not to renew Appellant. The Local Board accepted the Local Superintendent's recommendation on April 1, 1994.

Appellant requested a hearing under O.C.G.A. § 20-2-1160 concerning the reasons for his non-renewal. Appellant claimed that his contract was not renewed because a group of teachers had conspired to deny him his civil rights.

The Local Board conducted a hearing on July 8-9, 1994. The parties stipulated that Appellant was properly notified that his contract would not be renewed. Several teachers testified about the discord that existed within Carver High School and instances of what they considered unprofessional conduct on Appellant's part. The Local Board found that there was no evidence that Appellant's non-renewal "was based upon the infringement of any State or Federally protected right or liberty or the result of any other unlawful motivation...." Appellant then appealed to the State Board of Education.

Appellant's notice of appeal claimed that certain teachers at Carver High School unlawfully conspired with the Local Superintendent to deny Appellant "his civil rights, impinging upon his liberty," that "such conspiracy constitutes an unlawful motivation," and that Appellant "was singled out because he is a Black male role model." Appellant also claimed that the teachers and Local Superintendent conspired "to unlawfully deny [him] his job as principal, as well as his right of free speech to utilize a bull horn."

PART III DISCUSSION

Under the Fair Dismissal Act, Q.C.G.A. §~ 20-2-940 et seq., a local board of education is not required to give any reasons for not renewing the contract of a teacher or principal who has been employed less than three years. Accordingly, a local board of education does not have to hold a hearing to inquire into why the teacher or principal will not be renewed.

Normally, the decision to rehire or release a 'non-tenured' employee lies more in the realm of school policy than in the area of school law. Thus, in most instances, the simple non-renewal of a single, one-year contract, standing alone, will not constitute a 'matter of local controversy in reference to the construction or administration of school law.'

Dalton City Board of Education v. Smith, 256 Ga. 394, 395, 349 S.E.2d 458 (1986). The decision not to rehire, however, cannot be based upon a reaction to a teacher's exercise of a constitutional right or for some unlawful reason. Id. at 395.

Although Appellant claims there was a conspiracy to deny him his position as principal, Appellant failed to present any evidence either that there was a conspiracy or that he was denied any constitutional rights. Appellant claims that the teachers met with the Local Superintendent on several occasions with complaints about Appellant's performance, and that because such meetings occurred, there was an unlawful conspiracy. Although the record does not support Appellant's characterization of the meetings, even if such meetings occurred, there is nothing unlawful about teachers contacting a local superintendent with complaints about the performance of their principal.

"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 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." Roderick J. v. Hart Cnt'v. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). In this case, there is nothing to indicate that the Local Board abused its discretion, or that its decision was arbitrary or capricious. The State Board of Education, therefore, concludes that there was no denial of any of Appellant's constitutional rights.

**PART IV
DECISION**

Based upon the foregoing, it is the opinion of the State Board of Education that no constitutionally impermissible reason existed for not renewing Appellant's contract as a principal. The Local Board's decision, therefore, is hereby SUSTAINED.

This 10th day of November, 1994.

Mr. Sessoms was not present.

Robert M. Brinson
Vice Chairman for Appeals

