

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>JOSEPH OFILI,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1996-56</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>ATLANTA CITY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Joseph Ofili (Appellant) from a decision by the Atlanta City Board of Education (Local Board) not to renew his teaching contract for the 1996-1997 school year. Appellant was in his third year of teaching for the Local Board when the Local Superintendent recommended against renewal of his contract. Appellant was granted a hearing before a tribunal, which found him incompetent and recommended non-renewal of his teaching contract. The Local Board adopted the tribunal’s recommendation and Appellant filed an appeal with the State Board of Education. Appellant claims that the evidence does not support the charges. The appeal is dismissed because the State Board of Education does not have jurisdiction.

Unless there has been some violation of a teacher’s constitutional rights, the non-renewal of a teacher who has been employed for only three years and who has not signed a contract for the fourth year is not a matter of school law, but, instead, is only a matter of school policy. See, Dalton City Board of Education v. Smith 256 Ga. 394, 349 S.E.2d 458 (1986)(dicta). O.C.G.A. § 20-2-1160 grants jurisdiction to the State Board of Education only for appeals from decisions of local boards of education regarding the construction or administration of school law. In the absence of jurisdiction, the State Board of Education is without authority to review a local Board’s decision. See, Boney v. County Board of Education of Telfair County, 203 Ga. 152, 45 S.E.2d 442 (1947).

In the instant case, Appellant has not shown any evidence that there was any violation of constitutional law that would permit the State Board of Education to exercise jurisdiction. Instead, Appellant’s only claim is that the evidence does not support the charges. “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, R~n~ianty. 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 County.

Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). The record shows that there was evidence that Appellant was unable to maintain control of his classes.

Based upon the foregoing, it is the opinion of the State Board of Education that it lacks jurisdiction to grant Appellant any relief Consequently, the appeal is hereby DISMISSED.

This 16<sup>th</sup> day of January, 1997.

Mr. Larry Thompson  
Vice Chairman for Appeals