

STATE BOARD OF EDUCATION
STATE OF GEORGIA

HAZEL FREEMAN,	:	
	:	
Appellant,	:	
	:	CASE NO. 1997-2
vs.	:	
	:	DECISION
TROUP COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Hazel Freeman (Appellant) from a decision by the Troup County Board of Education (Local Board) to terminate her position as an uncertified employee. Appellant claims that her dismissal was arbitrary and capricious. Additionally, she claims her dismissal was retaliatory because she applied for a secretary position. The Local Board argues that the State Board of Education does not have jurisdiction to consider Appellant's appeal because it does not involve the interpretation or administration of school law. The appeal is dismissed.

The State Board of Education has limited jurisdiction to consider appeals from the decisions of local boards of education when they sit as tribunals to make a determination involving the administration or interpretation of school law. O.C.G.A. § 20-2-1160. See, Boney v. County Board of Education of Telfair County, 203 Ga. 152, 45 S.E.2d 442 (1947). Only teachers, principals, and employees who have a contract for a definite term are granted the right to have a hearing upon their dismissal, with the subsequent right of appeal to the State Board of Education. O.C.G.A. § 20-2-940 *et seq.* The State Board of Education does not have jurisdiction to consider an appeal from a dismissed employee who has served without a contract. Harrison v. Chatooga County Bd. of Educ., Case No. 1976-7 (Ga. SBE, Jul. 8, 1976); Henderson. et al. v. Fulton County Bd. of Educ., Case No. 1976-17 (Ga. SBE, 1977); Meacham v. Clayton County Bd. of Educ., Case No. 1991-16 (Ga. SBE, Aug. 8, 1991).

Based upon the foregoing, it is the opinion of the State Board of Education that it lacks jurisdiction to consider Appellant's appeal. Accordingly, the appeal is DISMISSED.

This 8th day of May, 1997.

Mr. Larry Thompson was not present.

