

STATE BOARD OF EDUCATION

STATE OF GEORGIA

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| FELTON G. POOLE and |) | |
| MRS. FELTON G. POOLE, |) | |
| |) | |
| Appellants, |) | |
| |) | CASE NO. |
| v. |) | |
| |) | 1984-15 |
| WARREN COUNTY BOARD |) | |
| OF EDUCATION, |) | |
| |) | REPORT OF |
| Appellee. |) | STATE HEARING OFFICER |

PART I

SUMMARY OF APPEAL

This is an appeal from a decision of the Warren County Board of Education (hereinafter "Local Board") that a teacher had violated Local Board Policy IHAD (requiring teachers to meet with parents to discuss students' progress) but that the violation was not a flagrant violation. The Appellants contend the decision was unfair and improper and that the Local Board violated the Sunshine Law.

PART II

FACTUAL BACKGROUND

The complaint centers around a teacher's decision not to meet with the Appellants in 1982 after they requested a meeting concerning their daughter's grades. At the Appellants' request, the Professional Practices Commission (hereinafter "PPC") investigated the complaint and issued a report April 21, 1983 which found that the matter resulted primarily from a misunderstanding

which could be solved if the parties simply met. The parties met and apparently did not resolve the problem because Appellants requested another PPC investigation. The second investigation resulted in a report issued July 2, 1984 which found that the teacher had violated the policy and that the violation could be attributed to miscommunication among school staff. The PPC report recommended that the Local System "establish and/or enforce policy and procedure where immediate superiors are initially addressed with problems within individual schools" and "that the administrative leader of individual schools be responsible for informing the superintendent, where applicable, in accordance with board policy." The Appellants then attended a meeting of the Local Board and were given an opportunity to talk to the Board. The Local Board also considered the PPC reports. In addition to finding the teacher's violation of the policy not to be flagrant, the Local Board ordered that all policies be strictly enforced and monitored by administrative personnel. The Local Board conducted the meeting as an executive session and allowed the teacher and her attorney to be present during the entire executive session. The Appellants were allowed to be present only for a portion of the executive session. The Local Board voted in open session on the actions taken.

PART III

DISCUSSION

Appellants in this case are dissatisfied with the action of the Local Board because the Local Board did not apply the punishment desired by Appellants to a teacher in the system. Appellants

are not an aggrieved party with respect to the decision of the Local Board and therefore have no standing to appeal the decision of the Local Board. The matter in controversy is that of the discipline of a teacher in the Local System. Appellants have not shown any right to exercise any authority concerning the discipline of employees of the Local System. While Appellants have a right to exercise their freedom of expression and complain concerning the actions of a teacher, they do not have a right to any certain result with regard to their complaint. The power to discipline teachers is vested in the Local Board of Education except that the Local School Superintendent has the authority to reprimand teachers, subject to appeal to the Local Board. The constitution vests the authority to control and manage the school system with the Local Board of Education. Appellants argue that they were aggrieved because they expended time and money in pursuing their complaint before the Local Board. Appellants' expenditures, however, were voluntary and did not result from the decision of the Local Board. They were not "an aggrieved party", as contemplated by the statute, because of the Local Board's decision. Thus, Appellants had no standing with respect to the action taken by the Local Board concerning the discipline of the teacher and the appeal should be dismissed.

With respect to the issue that the Local Board violated the Sunshine Law, the Hearing Officer determines that the issue was not raised at the hearing below and therefore may not be raised on appeal. The parties discussed that the Local Board

would have the discussion in private and make the decision in public and they agreed that was appropriate. Thus, the issue cannot be raised on appeal to the State Board of Education.

PART IV

CONCLUSION

Based upon the record presented and the foregoing discussion, the Hearing Officer is of the opinion the Appellants lack standing to appeal a personnel decision by the Local Board and that no issue concerning violation of the Sunshine Law was raised before the Local Board and therefore cannot be raised on appeal. The Hearing Officer, therefore, recommends that the appeal be

DISMISSED.



L. O. BUCKLAND
State Hearing Officer