

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JACOB BATTLE, SR.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1993-7
vs.	:	
	:	DECISION
SUMTER COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Jacob Battle, Sr. (“Appellant”) from a decision by the Sumter County Board of Education (“Local Board”) to terminate his services as a bus driver because of insubordination and improper absence from work. Appellant claims that the Local Board dismissed him because of his union activities. There is nothing in the record beyond Appellant’s bare assertion to support his claim. Without some evidence to indicate that the Local Board’s actions were illegal or arbitrary and capricious, there is no basis to review the appeal under the provisions of O.C.G.A. § 20-2-1160. The appeal, therefore, is dismissed.

Appellant was employed as a bus driver by the Local Board for three years. Appellant did not have a contract with the Local Board. When he failed to notify his supervisor that he would be absent because of alleged health problems after being told to call in each day, the Local Superintendent decided to recommend termination of his employment. Appellant requested a hearing before the Local Board to protest his termination.

The Local Board permitted Appellant to have a hearing under O.C.G.A. § 20-2-1160. During the hearing, Appellant claimed he was being terminated because of his union activities. After finding that the termination was based on Appellant’s insubordination rather than his union activities, the Local Board adopted the Local Superintendent’s recommendation and terminated Appellant’s employment. Appellant then filed an appeal with the State Board of Education.

Under the provisions of O.C.G.A. § 20-2-1160, a local board can serve as a tribunal for the adjudication of cases or controversies involving the administration and interpretation of school law. O.C.G.A. § 20-2-1160(a). If a local board conducts a hearing on an issue that involves the administration and interpretation of school law, then any aggrieved party can appeal to the State Board of Education. O.C.G.A. § 20-2-1160(b). In the absence of a decision involving the administration and interpretation of school law, the State Board of Education lacks jurisdiction to hear an appeal from the local board's decision, even if the local board conducted a hearing. *See, Henderson, et al. v. Fulton Cnty. Bd. of Educ.*, Case No. 1976-7 (Ga. SBE, 1977).

In this case, Appellant failed to establish that any element of school law was involved in the Local Board's decision to terminate his employment. All of Appellant's claims involve normal employer-employee questions that are not covered by Title 20 of the Official Code of Georgia, or any regulations promulgated by the State Board of Education. Instead, the Local Board exercised its constitutional authority of control and management over the schools under its charge.

In view of the foregoing, the State Board of Education is of the opinion that it lacks jurisdiction to consider Appellant's appeal because it does not involve a question concerning the administration or interpretation of school law. The appeal, therefore, is hereby

DISMISSED.

This 8th of July, 1993.

Mrs. King and Mr. Sessoms were not present. Al Abrams' seat is vacant due to his resignation effective April 30, 1993.

Robert M. Brinson
Vice Chairman for Appeals

