

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

ERIC J.,	:	
	:	
Appellant,	:	
	:	CASE NO 1993-11
vs.	:	
	:	DECISION
FANNIN COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Eric J. (“Student”) from a decision by the Fannin County Board of Education (“Local Board”) to uphold a decision by the Local Superintendent not to take any punitive action against a coach as a result of the Student’s grievance that the coach had harassed him and exhibited unnecessary roughness. The Student’s only basis for the appeal to the State Board of Education is dissatisfaction with the Local Board’s decision. The appeal is dismissed because the State Board of Education does not have jurisdiction over local matters that do not involve the administration or interpretation of school law.

The Local Board has a policy that permits students to file grievances when they think a situation or decision is unfair. The matter can eventually be heard by the Local Board, but no right of appeal from the Local Board’s decision is provided; the Local Board’s decision is final.

The Student’s parents filed a complaint against the football coach and alleged that he orally and physically abused the players and the Student. The high school principal investigated and decided the coach’s actions were not inappropriate. The Student’s parents were dissatisfied. They appealed to the Local Superintendent and demanded dismissal of the coach. The Local Superintendent upheld the principal’s decision, but issued a letter of reprimand to the coach for conducting prayers before the games.

The Student’s parents were again dissatisfied and they filed an appeal to the Local Board. The Local Board upheld the Local Superintendent’s decision and the parents filed an appeal with the State Board of Education.

Under O.C.G.A. S 20-2-1160, the State Board of Education can hear appeals from local board decisions that involve a local controversy in the administration or interpretation of school law. In the instant case, the grievance does not concern a case or controversy involving the administration or interpretation of school law. Instead, the matter involves the internal

administration of the Local School System.

“The control and management of the public schools constitutionally rests with the county board of education and such control and management will not be interfered with except where that control and management is contrary to law. *See, Colson V. Hutchinson*, 205 Ga. 559, 67 S.E.2d 764 (1951); *Boney V. County Board of Education for Telfair County*, 203 Ga. 152 (1947).” *Martinius C. v. Griffin-Spalding County Bd. of Educ.*, Case No. 1992-12 (Ga. SBE, Jul. 9, 1992).

Here, the Local Board decided against taking any disciplinary action against the coach. This decision does not involve any administration or interpretation of school law. The State Board of Education is without jurisdiction to consider the appeal.

Based upon the foregoing, the State Board of Education concludes that it does not have any authority over the subject matter of the appeal. The appeal, therefore, is hereby

DISMISSED.

This 13th day of May, 1993.

Al Abrams' seat is vacant due to April 30, 1993.

Robert M. Brinson
Vice Chairman for Appeals