

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

OLLIA RAYFORD,	:	
	:	
Appellant,	:	
	:	CASE NO 1993-50
vs.	:	
	:	DECISION
BURKE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

PART I

SUMMARY

This is an appeal by Ollia Rayford (Appellant) from a grievance proceeding decision by the Burke County Board of Education (Local Board) to uphold her dismissal as a custodian based upon charges of insubordination. Appellant claimed before the Local Board that she was dismissed because she had written a letter to the local newspaper that was critical of the Local Superintendent and a Local Board member, but the Local Board found that the dismissal occurred before anyone was aware the letter was written. On appeal to the State Board of Education, Appellant claims that the Local Board's policies regarding the termination of non-certified personnel was not followed. The appeal is dismissed because it does not raise any question regarding the interpretation or administration of school law as required under the provisions of O.C.G.A. § 20-2-1160.

PART II

FACTUAL BACKGROUND

Appellant and another employee were dismissed from their positions as custodians on August 27, 1992, after they failed to comply with a directive from the assistant principal to attend a cleaning detail on August 27, 1992.¹ Based upon the assistant principal's recommendation, Appellant's principal decided to dismiss the two employees during the morning of August 27, 1992. Later that afternoon, a letter to the editor from Appellant appeared

¹ The delay in the Local Board holding a hearing apparently resulted from Appellant's requests for continuances.

in the local newspaper that was critical of the Local Superintendent and a Local Board member.² The principal, assistant principal, and the Local Superintendent were unaware the letter had been written when the decision was made to dismiss Appellant and her co-worker.

Appellant filed a grievance to contest her dismissal and claimed she was dismissed for exercising her constitutionally protected right of free speech. The Local Board, however, found that Appellant's dismissal occurred because of her actions and without any knowledge of the letter to the editor. The hearing before the Local Board was held on October 28, 1993, and Appellant was notified of the Local Board's decision on November 9, 1993. Appellant then filed a timely notice of appeal to the State Board of Education.

PART III

DISCUSSION

On appeal to the State Board of Education, Appellant claims that the Local Board's policies concerning the dismissal of non-certified personnel was not followed. Specifically, Appellant claims that she was not counseled before being dismissed. The issue of the failure to follow the Local Board's policies was not addressed by the Local Board, but Appellant's attorney raised the issue in closing remarks to the Local Board. Notwithstanding Appellant's claims, however, Appellant has not raised any issue that comes within the purview of the jurisdiction of the State Board of Education.

Under the provisions of O.C.G.A. § 20-2-1160, the State Board of Education has jurisdiction to hear cases arising before local boards of education that involve the interpretation or administration of school law. The interpretation of local board of education policies governing non-certified employees does not involve school law; nothing in Title 20 of the Official Code of Georgia Annotated or the Rules and Regulations of the State Board of Education creates any rights or establishes any procedures that must be followed for the dismissal of non-certified personnel. The relationship between a local board of education and the non-certified employees it hires is no different than the relationship of any other governmental agency and its employees. *See, Battle v. Sumter Cnty. Bd. of Educ.*, Case No. 1993-7 (Ga. SBE, July 8, 1993).

In this case, there is no claim that the grievance procedure was not established, or that the grievance procedure was not followed. Appellant also abandoned the claim she made before the Local Board that she was dismissed for exercising her constitutionally protected right of free speech. The State Board of Education, therefore, concludes that Appellant has not raised any issues that provide it with jurisdiction under the provisions of O.C.G.A. § 20-2-1160.

² The Local Board member mentioned in the letter did not participate in the hearing.

PART IV

DECISION

Based upon the foregoing, the State Board of Education is of the opinion that Appellant has not raised any issues on appeal that provide the State Board of Education with jurisdiction to hear Appellant's appeal under the provisions of O.C.G.A. § 20-2-1160. Accordingly, Appellant's appeal is hereby
DISMISSED.

This 10th day of March, 1994.

Mr. Williams was not present. Mr. Lathem's seat is vacant due to his resignation effective December 31, 1993.

Robert M. Brinson
Vice Chairman for Appeals