

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>SIBYL BYNUM,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2001-26</b>
	:	
<b>HOUSTON COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by Sibyl Bynum (Appellant) from a decision by the Houston County Board of Education (Local Board) to uphold the decision of the Local Superintendent that a grievance she filed concerning an annual evaluation she was given was not a grievable matter. Appellant claims that her grievance concerned the procedure used to give her an annual evaluation rather the outcome of the evaluation. The Local Board’s decision is sustained.

Appellant served as a classroom teacher for the Local Board. On May 31, 2000, Appellant’s principal issued her a Georgia Teacher’s Evaluation Program Annual Summary Report in which the principal gave Appellant an unsatisfactory mark in the Georgia Teacher’s Duties and Responsibilities Section and an overall unsatisfactory rating.<sup>1</sup> Appellant appealed the Summary Report to the Local Superintendent on June 7, 2000. Appellant complained that she had not received written notice of any deficiencies and she had not been given an opportunity to remedy any deficiencies. On July 5, 2000, the Local Superintendent informed Appellant that he would support the principal’s decision.

On July 17, 2000, Appellant filed a grievance with the Local Superintendent in which she complained that the principal violated the evaluation procedures established by the Local Board. On July 26, 2000, the Local Superintendent denied Appellant’s grievance on the basis that O.C.G.A. § 20-2-989.7 bars grievances concerning performance ratings. Appellant then filed an appeal to the Local Board. After the Local Board upheld the Local Superintendent’s decision, Appellant filed an appeal to the State Board of Education.

The Local Board’s Policy GAE(1) requires a teacher to file a complaint with the teacher’s principal within 10 days after an incident occurs. COMPLAINTS AND

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<sup>1</sup> O. C.G.A. § 20-2-210 requires an annual performance evaluation of all personnel employed by local boards of education.

GRIEVANCES PROFESSIONAL PERSONNEL, Policy GAE(1), (Adopted Nov. 8, 1988). In the instant case, Appellant did not file a grievance until July 17, 2000, which was 37 days after it should have been filed, and she filed it with the Local Superintendent rather than the principal. Since the grievance was not filed with the principal and was late, it follows that both the Local Superintendent and the Local Board properly denied Appellant any relief.

In addition to providing when and where a grievance has to be filed, the Local Board's Policy GAE(1) provides:

This procedure shall not apply to: ... [p]erformance ratings contained in personnel evaluation and professional development plans....

Policy GAE(1), § 3, ¶1, (Adopted Nov. 8, 1988). Although Appellant claims that she is complaining about the procedures used in giving her an annual rating rather than about the rating itself, her grievance constitutes a collateral attack against the rating; the purpose of her complaint was to have the rating changed. Her complaint, therefore, did not concern a matter grievable under the Local Board's policy.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board properly upheld the Local Superintendent's decision to dismiss Appellant's grievance because it was improperly filed and concerned a matter that was not grievable. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of April 2001.

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Bruce Jackson  
Vice Chairman for Appeals