

STATE BOARD OF EDUCATION

STATE OF GEORGIA

DIANNE TAYLOR,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2005-55
	:	
MITCHELL COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Dianne Taylor (Appellant) from a decision by the Mitchell County Board of Education (Local Board) that denied her grievance that her principal had harassed and retaliated against her. Appellant claims that she was denied due process because the Local Board’s grievance procedures do not comply with state law. The Local Board’s decision is sustained.

At the beginning of the 2004-2005 school year, Appellant, who was the assistant principal, assumed the position of interim principal at Mitchell Elementary School until the Local Board appointed another person as principal of the school. Appellant filed a grievance because she was not appointed as the principal. In February 2005, Appellant filed another grievance in which she claimed that the principal had retaliated against her because she filed the first grievance. It is from the Local Board’s decision regarding this second grievance that Appellant has appealed.

Appellant claims that she was denied due process because the Local Board’s complaint policy does not comply with state law, the Local Board did not record the proceedings at each level, she was denied the right to call three witnesses, the burden of proof was placed upon her, and the Local Board did not make a decision within 60 days after the complaint was filed. None of these issues was raised at the hearing before the Local Board. "If an issue is not raised at the initial hearing, it cannot be raised for the first time when an appeal is made." *Hutcheson v. DeKalb Cnty. Bd. of Educ.*, Case No. 1980-5 (Ga. SBE, May 8, 1980). The State Board of Education, as an appellate body, is not authorized to consider matters that have not been raised before the Local Board. *Sharpley v. Hall Cnty. Bd. of Educ.*, 251 Ga. 54, 303 S.E.2d 9 (1983).

Appellant also claims she was denied due process because the Local Board did not file findings of fact with its decision. The Local Board’s decision only states that the Local Board “found that you were not harassed and you were not retaliated against by your principal” Appellant claims that the Local Board’s decision, therefore, does not provide a finding of why Appellant’s grievance was denied. Appellant, however, has not

shown how the Local Board's finding results in a denial of due process, or how any greater an explication would assist her cause.

Appellant next claims that the Local Board's decision was not based upon the evidence presented and that the Local Board did not review the entire record before making a decision. Appellant, however, has not presented any arguments beyond these mere conclusory statements to support these claims. The State Board of Education, therefore, deems these claims to be without merit.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not deny due process to Appellant. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of September 2005.

William Bradley Bryant
Vice Chairman for Appeals