

STATE BOARD OF EDUCATION

STATE OF GEORGIA

RAIFORD T. CANTRELL, :
 :
 : **CASE NO. 1986-44**
 :
 Appellant, . :
 :
 V. :
 :
 :
 BARTOW COUNTY BOARD OF . : **DECISION**
 EDUCATION, :
 :
 :
 Appellee. :

PART I

SUMMARY

This is an appeal by Raiford T. Cantrell (hereinafter "Appellant"), as Superintendent of the Bartow County School System, from a decision of the Bartow County Board of Education (hereinafter "Local Board") to deny his request to reconsider the lateral transfer of four of the Local Board's employees without his recommendation. Appellant contends the Local Board is without authority to transfer employees without his recommendation. The decision of the Local Board is sustained.

PART II

FACTUAL BACKGROUND

In March, 1986, the Local Board met and accepted the recommendation of the Appellant regarding the employment and assignment of administrators and principals who would be working for the Local Board during the 1986-1987 school year.

Previously, some members of the Local Board had desired to maintain a practice of rotating employees. Appellant's recommendations, however, did not provide for relocation of employees,

even though the topic had been discussed between the members of the Local Board and Appellant.

In July, 1986, the Local Board met and, without Appellant's recommendation, changed the assignment of four of the administrators employed by the Local Board. Appellant immediately submitted a letter objecting to the action. Appellant followed this letter with another letter dated July 15, 1986, in which he requested a reconsideration of the Local Board's action.

The Local Board held a hearing on the matter on September 18, 1986. At the hearing, Appellant testified that the Local Board affected the transfers without his recommendation in violation of O.C.G.A. § 20-2-211 (formerly O.C.G.A. § 20-2-290). Appellant further testified that the action of the Local Board was in violation of State Board standards which followed O.C.G.A. §20-2-211 and a Local Board policy of like nature. The Local Board chairman, who had not disqualified himself, then testified that it was the practice of the Local Board to rotate personnel and that Appellant had failed to abide by that practice in his recommendations. Subsequently, on September 18, 1986 the Local Board voted to deny Appellant's request for reconsideration. Appellant filed this appeal September 26, 1986.

PART III

DISCUSSION

O.C.G.A. §20-2-211 provides as follows:

- (a) All teachers, principals, other certificated professional personnel, and other school personnel of local units of administration shall be employed by local boards of education on the recommendation of the school superintendent of the local unit.

Appellant contends this case is controlled by Brewer v. Board of Education, No. 1985-44 (Camden County Superior Court, April 18, 1986). In Brewer, a vacancy occurred when a principal employed by the school system resigned. After applications were accepted, the

superintendent was asked by the Local Board to recommend a person to fill the vacancy. The name submitted to the local board by the superintendent was rejected and the superintendent was asked to submit another name, which he refused to do. On its own prerogative, the local board appointed a vice principal from another of its schools to the position.

The decision of the local board was appealed to the State Board of Education which reversed the decision of the local board. The local board appealed the State Board of Education's decision to superior court, and the superior court sustained the decision of the State Board of Education and observed that the proper action for a local board in such a position was to file a writ of mandamus directing the superintendent to perform his duty.

The Local Board contends Brewer is inapplicable, it contends that Brewer is distinguishable because in that case the local board filled a vacant position of principal with an assistant principal of another school which was a promotion, while in this case the transfers are lateral. Appellant, however, argues that transfers are also controlled by the Brewer decision.

The State Board of Education is of the opinion that O.C.G.A. § 20-2-211 does not require the recommendation of the local superintendent. A local board of education is constitutionally required to manage the affairs of the local school systems. The State Board of Education is of the opinion that this requirement grants the local boards of education with the authority to make employee transfers between different schools without the recommendation of the local superintendent. The State Board of Education is aware that effective administration of school systems requires the close cooperation of local boards and local superintendents, but, in the final analysis, it is the local board that is charged with the responsibility of managing the affairs of the school system rather than the local superintendent. The State Board of Education, therefore, concludes that the Local Board did not exceed its authority.

PART IV

DECISION

Based upon the foregoing discussion, the record presented, and the briefs and arguments of counsel the State Board of Education is of the opinion the Local Board did not exceed its authority in making the lateral transfers without Appellant's recommendation. The State Board of Education, therefore, determines and orders that the decision of the Bartow County Board of Education is

SUSTAINED.

This 5th day of January, 1987

LARRY A. FOSTER, SR.
Vice Chairman for Appeals