

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>KAREN EARGLE,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1990-6</b>
v.	:	
	:	<b>DECISION</b>
<b>BIBB COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

Karen Eargle (“Appellant”) appealed a Bibb County Board of Education (“Local Board”) decision not to grant her a hearing to consider her transfer from one secretarial position to another by the Local Superintendent. The appeal is dismissed.

Appellant was employed as a secretary to the Director of Public Relations. Appellant works for the Local Board under a contract without a definite term. The Local Superintendent informed her on July 3, 1989, that he was transferring her to the position of secretary in the Technical Instruction Support Services department. Appellant did not want to be transferred and she filed a grievance. The Local Superintendent heard Appellant’s grievance, but decided to abide by his original decision. Appellant then requested an opportunity to appear before the Personnel Services Committee of the Local Board. The Personnel Services Committee heard from Appellant and her attorney but decided against taking any action. Instead, the Personnel Services Committee referred the matter to the full Local Board. On October 19, 1989, the Local Board considered the matter and decided not to conduct a hearing because Appellant’s complaint was not a grievable matter and the Superintendent’s right to transfer personnel served the best interests of the school system.

Appellant then appealed to the State Board of Education. She claims that she suffered a

demotion and had a right to a hearing before the Local Board. The Local Board claims that Appellant did not have any right to a hearing, a hearing was not held, and the appeal should be dismissed because the State Board of Education lacks jurisdiction in the absence of a hearing conducted under the provisions of O.C.G.A. § 20-2-1160.

O.C.G.A. § 20-2-940 grants the right to a hearing before a local board only to teachers, principals, and other employees who have a contract for a definite term. Appellant, however, is not in any of these classes and cannot derive any benefit from O.C.G.A. § 20-2-940. Appellant, nevertheless, claims that the Local Board's rules and policies grant her the right to have a hearing. Even if Appellant has certain rights as an employee, the State Board of Education cannot assume jurisdiction in the absence of a hearing conducted under the provisions of O.C.G.A. Section 20-2-1160. As the Court in Dalton City Board of Education v. Smith, 256 Ga. 394, 349 S.E.2d 458 (1986), the party seeking a hearing under O.C.G.A. Section 20-2-1160 must establish that a matter of local controversy exists in the construction or administration of school law, and a decision to rehire or release an employee who is not protected by O.C.G.A. Section 20-2-940 normally falls within the realm of policy and does not rise to the status of a local controversy involving the construction or administration of school law.

Based upon the foregoing, the State Board of Education is of the opinion It does not have jurisdiction to consider the Local Board's decision because the decision was not made by the Local Board acting in a quasi-judicial capacity. The appeal, therefore, is DISMISSED.

This 14<sup>th</sup> day of June, 1990.

Larry A. Foster  
Vice Chairman for Appeals