

**STATE BOARD OF
EDUCATION**

STATE OF GEORGIA

SADIE T. MCCALED,

Appellant,

vs.

**CITY OF ATLANTA
BOARD OF EDUCATION,**

Appellee.

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CASE NO. 1996-71

DECISION

This is an appeal by Sadie T. McCalep (Appellant) from a decision by the City of Atlanta Board of Education (Local Board) that denied her any relief on a grievance she filed. Appellant claimed that she had been assigned the duties of a coordinator but was receiving the pay of a liaison specialist. In addition, Appellant claimed that she was subjected to harassment by her supervisor because she had filed a grievance. The Local Board's decision is sustained.

Appellant served as a vocational liaison specialist since 1984. In 1996, the City of Atlanta School System was reorganized and her position was eliminated. As a result, Appellant was reassigned as a liaison specialist for the alternative schools at the same rate of pay. When Appellant learned that her position as a vocational liaison specialist would be eliminated, she filed a grievance.

In her grievance, Appellant claimed she was doing the work of a coordinator and should, therefore, be promoted to a coordinator position. In addition, she claimed that her supervisor was harassing her and treating her in an unprofessional manner because she had previously filed a similar grievance.

The Local Board heard Appellant's grievance and found that she had not performed all the duties of a coordinator. In addition, the Local Board found that Appellant had never applied for a coordinator position through the Local Board's competitive selection process. The Local Board also found that the evidence did not support Appellant's claim of harassment. On appeal to the State Board of Education, Appellant claims that there was no evidence to support the Local Board's decision.

This appeal arises under O.C.G.A. § 20-2-1160, which requires a local board of education to sit as a tribunal to decide a controversy involving the interpretation or administration of school law before the State Board of Education has jurisdiction to review the local board's decision. In

this case, Appellant has not shown that the Local Board's decision involved the interpretation or administration of school law. Thus, even if we assume that Appellant performed all the duties of a coordinator, she has not shown that the Local Board violated any law or policy by keeping her in a liaison specialist position. The record does not contain any indication that the Local Board has a policy that requires an employee to be promoted simply because they are performing the duties normally performed by a higher grade employee. The only thing Appellant has shown is her ability to carry out many of the duties of a coordinator. This showing of ability may be a positive consideration if she ever applies for a coordinator position, but it does not require the Local Board to recognize a promotion because of the circumstances. The State Board of Education concludes that it does not have jurisdiction to consider Appellant's claim that the Local Board erred in not recognizing a promotion because the Local Board's decision did not involve the administration or interpretation of school law.

"The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783, 242 S.E.2d 374 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." Roderick J. v. Hart County. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). There was evidence before the Local Board to support its decision that Appellant's supervisor did not act unprofessionally. The Local Board heard testimony from Appellant's supervisor about his interactions with Appellant. For example, the supervisor directed Appellant to spend more time with the schools she was responsible for rather than spending all of her time in the central office. The Local Board served as the finder of fact and was free to accept the supervisor's explanations. The State Board of Education, therefore, concludes that there was evidence to support the Local Board's decision.

Based upon the foregoing, it is the opinion of the State Board of Education that it does not have jurisdiction to consider Appellant's claim of error by the Local Board in deciding not to recognize a de facto promotion, and that there was evidence to support the Local Board's decision that Appellant's supervisor did not act in an unprofessional manner. Accordingly, the Local Board's decision is SUSTAINED.

This ___ day of March, 1997.

Mrs. Braswell and Mr. Williams were not present.

Larry Thompson
Vice Chair for Appeals