

STATE BOARD OF EDUCATION

STATE OF GEORGIA

GREG ADCOX, ET AL,	:	
	:	
Appellant,	:	
	:	CASE NO. 1998-10
vs.	:	
	:	DECISION
FULTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

In *Adcox et al. v. Fulton Cnty. Bd of Educ.*, Case No. 1997-7 (Ga. SBE, Apr. 10, 1997), (*Adcox I*), the State Board of Education dismissed the appeal of a group of school psychologists (Appellants) because the issues raised did not create a controversy involving the administration or interpretation of school law as required by O.C.G.A. § 20-2-1160. In an order dated November 10, 1997, the Superior Court of Fulton County remanded the case to the State Board of Education to consider the merits. *Adcox et al v. Fulton Cnty. Bd. of Educ.*, Civil Action E-59280 (Fulton Cnty. Superior Ct., Nov. 20, 1997). The Court held, without explanation, that the State Board of Education had jurisdiction to consider the merits. Upon review of the merits, the Local Board’s decision is sustained.

As set out in *Adcox I*, this case involves a decision by the Fulton County Board of Education (Local Board) to reduce the work year of the school psychologists, among others, from 240 days to 220 days, which resulted in a decrease in pay, as part of a budget reduction program. On appeal to the State Board of Education, Appellants claimed that they were arbitrarily and capriciously demoted. In *Adcox I*, the State Board of Education held that demotions did not occur because there was no evidence that Appellants suffered any loss of responsibility or prestige.¹ Since demotions had not occurred, the State Board of Education held that O.C.G.A. § 20-2-940 was inapplicable. Jurisdiction, therefore, must rest upon the provisions of O.C.G.A. § 20-2-1160.

O.C.G.A. § 20-2-1160 permits a local board of education to sit as a tribunal to consider any matter of local controversy concerning the construction or administration of school law. Any party aggrieved by a decision of the local board can appeal to the State Board of Education. “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*,

¹ To constitute a demotion, there has to be a loss in pay, prestige and responsibility. *See, Rockdale Cnty. School Dist. V. Weil*, 245 GA. 730, 266 S. E. 2d 919 (1980).

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 Cnty. Bd of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991).

Appellants argue that the Local Board’s decision was arbitrary and capricious because the Local Board increased the travel budget within their department and retained some contract psychologists. Appellants’ argument is an attack on how the Local Board allocates its resources, and Appellants are asking the State Board of Education to tell the Local Board how those resources can be allocated. “The control and management of the public schools constitutionally rests with the county board of education and such control and management will not be interfered with except where that control and management is contrary to law. *See, Colson v. Hutchinson*, 205 Ga. 559, 67 S.E.2d 764 (1951); *Boney v. County Board of Education for Telfair County*, 203 Ga. 152 (1947). “*Martinius C. v. Griffin-Spalding County Bd. of Educ.*, Case No. 1992-12 (Ga. SBE, Jul. 9, 1992). There has not been any showing that the Local Board’s actions were contrary to law. The ability of a local board of education to allocate its resources is fundamental in exercising control and management of the schools under its jurisdiction. The State Board of Education, therefore, concludes that the Local Board did not abuse its discretion.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board’s decision was not arbitrary or capricious but represented a legitimate exercise of its constitutional authority to control and manage the schools under its jurisdiction. Accordingly, the Local Board’s decision is
SUSTAINED.

Dr. Bill Grow, Mrs. Barbara Archibald, Ms. Willou Smith and Dr. Brenda Fitzgerald were absent.

This 10th day of June 1998.

Larry Thompson
Vice Chairman for Appeals

