

STATE BOARD OF EDUCATION

STATE OF GEORGIA

CAROLYN NEWTON,	:	
	:	
Appellant,	:	
	:	
vs.	:	
	:	CASE NO. 1998-53
BIBB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Carolyn Newton (Appellant) from a decision by the Bibb County Board of Education (Local Board) that she had not been demoted and was, therefore, not entitled to a hearing on the merits under the provisions of O.C.G.A. § 20-2-940. Appellant requested a hearing to contest her transfer from her position as a Food Service Coordinator to classroom teacher after she had signed her contract for the 1997-1998 school year. Appellant claims that she suffered a loss of pay, responsibility, and prestige because of the transfer. The Local Board's decision is sustained.

After signing a contract for the 1997-1998 school year as a food service coordinator, Appellant was informed that her position was eliminated and she would be transferred to the position of classroom teacher for the 1997-1998 school year. Appellant accepted the position but requested a hearing on her claim that the transfer represented a demotion. The Local Board held a hearing to only consider the question of whether Appellant was demoted.

The evidence showed that Appellant was one of two Food Service Coordinators within the School System. As such, she had responsibility for assisting with the lunchroom programs in approximately twenty-two schools. During the 1996-1997 school year, her duties were rearranged so that she spent most of her time in a teaching capacity. Her salary of \$49,911.60 during the 1996-1997 school year was based on a 200-day contract. Had she remained in the position of Food Service Coordinator for the 1997-1998 school year, her salary would have increased to \$52,712.63. Instead, her salary was frozen at \$49,911.60, which was scheduled to decrease by two percent per year until it matched the salary of a classroom teacher with equivalent experience.

When the hearing was over, the Local Board decided that Appellant had not been demoted and, therefore, was not entitled to a hearing. Appellant then filed a timely appeal with the State Board of Education.

A demotion requires a decrease in all of three areas: salary, responsibility, and prestige. *See, Rockdale Cnty. School Dist. v. Weil*, 245 Ga. 730, 266 S.E.2d 919 (1980). If one of the components has not decreased, a demotion is not deemed to have occurred.

The Local Board claims that Appellant did not suffer a decrease in salary, responsibility, or prestige. Although the record shows that Appellant suffered a decrease in pay, there was evidence that Appellant did not suffer any loss in prestige or responsibility because Appellant's duties are substantially the same as in her old position, where she was primarily teaching. "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 Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). Since there was

testimony that Appellant did not lose any prestige or responsibility, the State Board of Education concludes that there was some evidence to sustain the Local Board's decision.

Based upon the foregoing, the State Board of Education is of the opinion that Appellant was not demoted because she did not suffer any loss of prestige or responsibility. Accordingly, the Local Board's decision is  
SUSTAINED.

This 11<sup>th</sup> day of February 1999.

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Larry Thompson  
Vice Chairman for Appeals