

STATE BOARD OF EDUCATION

STATE OF GEORGIA

GEORGIA ANN MACBETH,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-12
	:	
GORDON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Georgia Ann MacBeth (Appellant) from a decision by the Gordon County Board of Education (Local Board) that denied her any relief on her grievance concerning the appointment of another person to the position of Assistant Superintendent without the position being posted and advertised. Appellant claims that the Local Board's actions violate its own policies. The Local Board's decision is sustained.

During the fall of 1999, the Local Board established a committee to study the administrative organization of the school system based upon the changes expected in state laws governing education. One change decided on by the committee was to consolidate curriculum administration so one person would have responsibility for coordination throughout the entire system. At the time of the recommendation, the school system had two curriculum directors, one for K-5 and one for 6-12. Appellant held the position of curriculum director for K-5. The Local Board directed the Local Superintendent to establish a position of overall curriculum director without adding any personnel and without increasing the payroll. The Local Superintendent selected the curriculum director for 6-12, assigned her the additional coordination duties, and changed her title to Assistant Superintendent. Appellant was informed of the personnel changes on the afternoon before the Local Board voted to approve the changes.

Appellant filed a grievance with the Local Superintendent and claimed that the Local Board's policy GBC had not been followed. The Local Superintendent denied Appellant any relief and she appealed to the Local Board. The Local Board upheld the Local Superintendent's position because it did not interpret the circumstances to involve a vacancy. Appellant then filed an appeal to the State Board of Education.

The Local Board's policy GBC provides, in part:

- 6. Professional personnel vacancies will be announced in the following manner: a. Distribution to all schools for posting b. Advertisement sent to public and private colleges c. Advertisement with Georgia Department of Education.

8. Local candidates will be employed when they are equally or better qualified than non-local candidates.

The Local Board argues that a vacancy never existed; its action merely involved a reorganization of existing personnel and the realignment of some duties. Appellant claims that since the curriculum Assistant Superintendent position did not exist before the Local Board's action, a vacancy existed in the position when the position was created, which triggered the notice and posting requirements of Policy GBC.

Under Appellant's interpretation of the Local Board's policy, the Local Board had to advertise the position. While Appellant would limit the advertisement to the school system employees, the Policy requires vacancies to be advertised throughout the state, with notice to the colleges and the Georgia Department of Education. The Policy obviously contemplates selection of the best-qualified candidate from the entire population of teachers throughout the state. Under the guidelines given the Local Superintendent --- that he could not increase personnel or payroll -- if the best-qualified candidate came from outside the school system, the Local Superintendent would have to dismiss an existing employee to avoid increasing the number of personnel, which is contrary to the intent of the policy.

The Local Board interpreted its own policy to be applicable only when an existing position becomes vacant. The Local Board's interpretation is consistent with the plain wording of the policy and is not arbitrary or capricious.

Local boards of education are given wide discretion in the control and management of the school systems under their direction and the State Board of Education will not ordinarily interfere with that control and management.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's interpretation of its policy on vacancies was appropriate and does not represent an abuse of discretion or violation of any state law. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of May 2000.

Bruce Jackson
Vice Chairman for Appeals