

STATE BOARD OF EDUCATION

STATE OF GEORGIA

BETTY C. CARIACO,	:	
	:	
Appellant,	:	
v.	:	CASE NO. 1992-37
	:	
COWETA COUNTY	:	DECISION
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Betty C. Cariaco (“Appellant”) under the provisions of O.C.G.A. § 20-2-989.5 et seq. from a decision by the Coweta County Board of Education (“Local Board”) to deny her complaint that she should have been selected for the position of supervisor/teacher -- Even Start Early Childhood program. Appellant claims that the Local Board did not follow its policy concerning promotions. The Local Board’s decision is sustained.

This case arises because the Local School System did not select Appellant to fill the position of Supervisor/Teacher in its Even Start Program. On March 22, 1992, Appellant signed a contract with the Local Board to teach as the Project Success Coordinator at an annual salary of \$46,905.00. On June 25, 1992, the School System notified all employees that a vacancy existed in the position of Supervisor/Teacher in the Even Start Early Childhood Program. On July 6, 1992, Appellant submitted her name as a candidate for the open position. On July 15, 1992, an assistant superintendent notified Appellant that her assignment to the position of Project Success Coordinator was critical to the needs of the children in her program and that the school system could not obtain a trained replacement. The assistant superintendent thanked Appellant for her interest in the Even Start Program, but denied her request “to be considered for the Even Start position.”

Appellant filed a complaint under O.C.G.A. § 20-2-989.5 because the school system would not transfer her from her position as Project Success Coordinator to the position of supervisor/teacher in the Even Start Program. Appellant claimed that the school system had not followed Local Board Policies GBC and GBD-R. Policy GBC provides that “Coweta County Board of Education will fill all certified positions with the best available applicants.” Policy GBD-R establishes the administrative procedures to be followed by the personnel department in the employment of certified employees.

O.C.G.A. § 20-2-989.5 provides a method for resolving problems at the lowest possible organizational level with a minimum of conflict and formal proceedings - -..~ Under the statute, employees file grievances with their supervisor and have the right to appeal to successively higher levels with the local board of education being the highest local level. If the employee is dissatisfied with the local board’s decision, the employee has a right to appeal to the State Board of Education.

After a hearing, an associate superintendent ruled against Appellant and found that all of the Local Board's policies had been followed. Appellant appealed to the Local Superintendent, who also ruled that all policies had been followed. Appellant then appealed to the Local Board.

The Local Board found that Appellant was qualified for the position that she already held and that the interests of the students and the instructional programs would "best be served by having Ms. Cariaco remain in the position of Project Success Coordinator for the 1992-93 school year." Additionally, the Local Board found that if Appellant transferred to the supervisor/teacher position, she would suffer a reduction in pay. The record shows that Appellant would earn an annual salary of \$43,779.00 in the supervisor/teacher position, a \$3,126.00 drop from her salary of \$46,905.00 in the Project Success Coordinator position. Based upon the salary reduction, the Local Board found that the supervisor/teacher position was not a promotional position for Appellant. The Local Board concluded that all of its applicable policies were followed, that none of Appellant's rights were violated, and Appellant was not discriminated against. The Local Board then denied Appellant's grievance.

On appeal to the State Board of Education, Appellant has not provided any basis for reversing the Local Board's decision. Appellant claims that she was the best qualified person for the supervisor/teacher position, and that another person could have taken her position as Project Success Coordinator. Appellant's assignment was an administrative decision that the State Board of Education will not attempt to second guess. Appellant has not shown that the Coweta County School System failed to follow the complaint procedures of O.C.G.A. § 20-2-989.5 *et seq.* Regardless of the merit of Appellant's claims, Appellant has not shown that the Local Board's decision was arbitrary or capricious.

Based upon the foregoing, it is the opinion of the State Board of Education that the Coweta County School System followed the procedures required by O.C.G.A. § 20-2-989.5 and the Local Board's decision was not arbitrary or capricious. The Local Board's decision, therefore, is

SUSTAINED.

This 14th day of January, 1993.

Mrs. King and Mr. Sears were not present.

Robert M. Brinson
Vice Chairman for Appeals

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