

STATE BOARD OF EDUCATION

STATE OF GEORGIA

CHARLES WEBB,

Appellant,

VS.

**BULLOCH COUNTY
BOARD OF EDUCATION**

Appellee.

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CASE NO. 1999-28

DECISION

This is an appeal by Charles Webb (Appellant) from a decision by the Bulloch County Board of Education (Local Board) that denied him any relief in a grievance he filed. Appellant claimed that the Local Superintendent and his principal violated Local Board policies when he was relieved of his duties as head football coach and athletic director. Appellant also claimed that the loss of his position as an assistant principal at Statesboro High School in 1997 violated the Uniformed Services Reemployment Rights Act of 1994, 38 U. S. C. § 301 *et seq.* Appellant has not shown that any school law was involved in the grievance, or that the Local Board failed to follow the grievance procedures. The appeal, therefore, is dismissed.

Appellant served as the head football coach, athletic director, and assistant principal at Statesboro High School for several years. On July 16, 1996, Appellant went on active duty as a member of the Georgia Army National Guard. Appellant remained on active duty until June 12, 1997. Upon his return, Appellant resumed his position as head football coach, athletic director, and assistant principal at Statesboro High School.

Shortly after returning, Appellant expressed a desire to have more time to devote to his duties as head football coach and athletic director. To accommodate him, Appellant was relieved of his position as assistant principal, the position that required him to devote substantial time to disciplinary matters. He was, however, assigned two health classes to teach. He remained on the administrative staff and continued to receive his supplements.

In February 1999, Appellant learned that, beginning with the 1999-2000 school year, he would no longer hold the positions of head football coach and athletic director at Statesboro High School. Instead, the Local Superintendent proposed to assign Appellant to the position of physical education teacher at an elementary school and assistant principal of the Bulloch County Summer School. At a regular meeting of the Local Board, Appellant asked the Local Board to reinstate him in his old positions. On February 12, 1999, Appellant filed his grievance under the provisions of O. C. G. A. § 20-2-989.5.

On February 18, 1999, the Local Board assigned Appellant to the position of Director of Athletics and Physical Education for Bulloch County

Appellant, nevertheless, proceeded with his grievance. The Local Superintendent and the Local Board denied that any local policies were violated. Appellant then appealed to the State Board of Education.

O. C. G. A. § 20-2-989.5 *et seq.* establishes a procedure for resolving “problems at the lowest possible organizational level with a minimum of conflict and formal proceedings so that good morale may be maintained, effective job performance may be enhanced, and the citizens of the community may be better served.” O. C. G. A. § 20-2-989.5(a). Appeals from grievance decisions are available to the State Board of Education under the provisions of O. C. G. A. § 20-2-1160. O. C. G. A. § 20-2-989.11. An appeal under O. C. G. A. § 20-2-1160 requires a decision involving the administration or construction of school law for the State Board of Education to have jurisdiction. *See, Bonny v. County Bd. of Educ. of Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947).

During the *de novo* hearing before the Local Board, Appellant stipulated that all of the procedures governing grievances had been properly followed. On appeal, Appellant claims that the Local Board violated its local policy GBRID and local policies GBC/GBD/GBE, GBI, GBU, and GCD/CDG, as well as the Uniformed Services Reemployment Rights Act of 1994. None of these policies relates to the administration or construction of school law.

Local policy GBRID concerns military leave and the reinstatement of public officers and employees upon from military service, as required under the provisions of O. C. G. A. § 38-2-279, a law of general application that is not uniquely identified with schools that causes it to fall in the category of school law. Policy GBC/GBD/GBE addresses the assignments of professional personnel within the Local System. It, therefore, concerns a matter of internal administration of employees by providing for annual evaluations. Consequently, it does not involve a matter of school law.

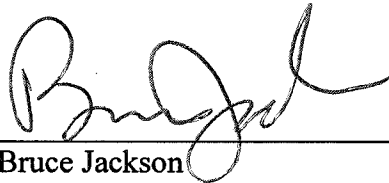
Local policy GBU requires all professional personnel to be familiar with the Code of Ethics for Georgia Educators. Whether a professional is familiar with a document is a factual determination that does not require any interpretation of school law.

Local policy GCD/CGD establishes how the Bulloch County School System selects employees to fill vacated or newly created positions. The methods used by a local board to select its employees and the positions they occupy involve the internal administration of the school system. The assignment of duties to a teacher is the province of the local boards of education and not the State Board of Education. *See, Macintosh v. Gwinnett Cnty. Bd. of Educ.*, Case No. 1992-33 (Ga. SBE, Mar. 11, 1993), *aff'd*, *Civ. Action 93-A-02027-2 (Gwinnett Super. Ct., 1993)*, *appeal denied* (Ga. App. 1993). Similarly, the selection of the employees to fulfill those assignments is the province of local boards of education and does not involve the administration or interpretation of school law.

Underlying Appellant's appeal is his claim that he was improperly demoted from his position of assistant principal in July, 1997. An employee can contest a demotion under the provisions of O. C. G. A. § 20-2-940, but an appeal to the State Board of Education has to be made within 30 days after a local board makes its decision. O. C. G. A. § 20-2-1160. If Appellant wanted to contest the loss of his position as assistant principal at Statesboro High School, he should have initiated proceedings in 1997. He cannot use the grievance process to collaterally attack a decision that he is barred from directly attacking. The State Board of Education, therefore, concludes that Appellant's argument concerning a demotion is not timely

Based upon the foregoing, it is the opinion of the State Board of Education that the issues involved are local administrative issues and the State Board of Education does not have jurisdiction to consider the appeal. Accordingly, the appeal is hereby DISMISSED.

This 12th day of August 1999.

A handwritten signature in dark ink, appearing to read 'Bruce Jackson', is written over a horizontal line.

Bruce Jackson
Vice Chairman for Appeals