

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ROLAND T. JAMES, WILLIE J.	:	
PIPPENS, JR., and	:	
PATRICIA J. DEVOE,	:	
	:	
Appellants,	:	
	:	CASE NO. 1997-34
vs.	:	
	:	DECISION
CHATHAM COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Roland T. James, Willie J. Pippens, Jr., and Patricia J. Devoe (Appellants) from a decision by the Chatham County Board of Education (Local Board) that their grievances concerning their pay-scale placements and the administration's implementation of Local Board Policy 0706 were not timely filed. Appellants maintain that their grievances were timely filed because there was an on-going misapplication. The appeal is dismissed because the State Board of Education lacks jurisdiction since an issue of school law is not involved.

In June, 1994 and September, 1994, Appellants, all middle school principals, filed grievances concerning how their salaries were determined. They complained that the Local Superintendent failed to follow the Local Board's policy regarding salaries because he negotiated salaries with principals who moved from one school to another. Consequently, principals with the same education, teaching experience, and administration experience were paid unequally. Appellants claim that the Local Board's Policy 0706 requires parity in salaries among principals with similar education, teaching and administration experience.

The Local Board's Policy 0706 provides, in part:

Administrative salaries shall be paid based on the Board-approved schedule appropriate to the position held, work year, certification, and step.

The Superintendent is responsible to assure that the salary administration programs of the school system are being administered in an accurate, consistent, timely, and equitable manner.

Local Board Policy 0706, "Salary Schedules", Adopted 9/28/88.

The evidence presented to the Local Board showed that administrators were placed in various groups according to their educational level and position, e.g., elementary principal or middle school principal. Each group has a salary range that is divided into thirteen steps. An administrator advances in steps according to the length of time in a position until they reach the maximum salary for the position. In 1989, all administrators were assigned to their respective groups and step level on the salary schedule.

The Local Superintendent encouraged administrators to move to positions of greater responsibility. When an administrator moved, the Local Superintendent would place them at a step that would insure that they received a higher salary than they earned in the previous position. Because of this practice, an administrator who had less experience but made frequent moves could earn a higher salary than could an administrator who did not make any moves. The Local Superintendent justified this practice as the only way to compensate employees for accepting greater responsibility.

Appellants had remained as principals in their respective schools. Other principals with less experience who made moves were earning higher salaries. In one instance, a middle school principal with only one year of experience was making more than one of the Appellants who had 18 years of experience.

The Local Board did not rule on the merits of Appellants' claims, but found that Appellants had not timely filed their grievances. The Local Board's grievance policy provides that a complaint has to be made in writing "within ten (10) calendar days after the most recent incident upon which the complaint is based." The Local Board held that Appellants should have filed their appeal in 1989 when they were initially placed on the salary schedule. Appellants filed a timely appeal to the State Board of Education under the provisions of O.C.G.A. § 20-2-1160.¹

¹ The record is incomplete in showing when the hearing was held before the Local Board. The parties have stipulated that the appeal was timely filed, but there was a delay in transmitting the record to the State Board of Education because of problems encountered in preparing the transcript.

On appeal, Appellants claim that (1) their grievances were timely filed, and (2) the evidence shows that the Local Superintendent improperly assigned administrators to steps on the salary schedule. The Local Board claims that Appellants should have filed their grievances in 1989 when they were initially placed in their salary groups and steps. Alternatively, the Local Board argues that Appellants should have filed their grievances within 10 days after they learned that other principals with less experience were making more than they were making. Neither party cited any precedent for their respective positions.

Contrary to Appellants' claim that the Local Superintendent failed to follow the Local Board's Policy 0706 because of the inequities that resulted, the policy does not require the Local Superintendent to insure that teachers and administrators advance on the salary schedule at the same pace. The policy provides that a teacher will be paid based upon the Board-approved schedule and that the Local Superintendent will assure that salaries are administered "in an accurate, consistent, timely, and equitable manner." The policy does not prevent the Local Superintendent from placing a principal on a particular step as part of a management philosophy that encourages principals to accept greater responsibility. It is the province of the Local Board to balance the equity of paying more to principals who accept added responsibility than is paid to principals who work longer. *See, Boney v. County Board of Education for Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947).

The issue of how a Local Board establishes its salary schedules, as raised in the instant case, is not an issue of school law. There is nothing in Title 20 of the Official Code of Georgia, the regulations of the State Board of Education, or the decisions of the State Board of Education that controls how a local board pays its administrators or teachers.² Thus, even if Appellants' grievances were timely filed, since an issue of school law is necessary for the State Board of Education to exercise jurisdiction, the appeal must be dismissed.

Based upon the foregoing, it is the opinion of the State Board of Education that it lacks jurisdiction since an issue of school law is not involved. Accordingly, the appeal is hereby DISMISSED.

This 8th day of January, 1998.

² O.C.G.A. 20-2-212 does provide for a minimum salary schedule which provides a minimum salary base for each classification of professional personnel required to be certificated.

Larry Thompson
Vice Chairman for Appeals