

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ELIZABETH COBB,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-27
	:	
GLYNN COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Elizabeth Cobb (Appellant) from a decision by the Glynn County Board of Education that denied her grievance that she was improperly transferred from one school to another. Appellant claims that the transfer violated the Local Board’s policy governing transfers. The appeal is dismissed because the State Board of Education lacks jurisdiction since a question involving the interpretation or administration of school law is not involved.

One week after the 2005-2006 school year started, Appellant was advised that she was one of two elementary school teachers, out of six teachers, who would be transferred to another school in an effort to rebalance student-teacher ratios in the different schools. Appellant filed a grievance to protest her transfer on the grounds that she had been employed at the school longer than some of the teachers who were not being transferred. The principal, the Local Superintendent, and the Local Board denied her grievance. Appellant then filed an appeal to the State Board of Education.

Appellant claims that her transfer violates the Local Board’s policy concerning transfers because the policy provides that transfers will be made in inverse order of seniority and two of the teachers at her school were hired after she was hired. The Local Board argues that the Local Superintendent has the inherent authority to transfer teachers according to the needs of the school system.

The Local Board’s Policy GBE provides, “The Superintendent shall have the authority to reassign any employee for the efficient operation or in the best interest of the school system. Employees will be assigned or reassigned to positions in the school system which [sic] meet the needs of the system and are commensurate with their training, certification, years of experience, and other appropriate factors.” There is also an implementing regulation, Regulation GBE-R, which provides, “The last person hired from a system-wide pool of employees with similar credentials will be the ultimate variable which [sic] will control decisions about transfers.” Thus, there is a policy that permits the Local Superintendent to make transfers based upon the best interest of the

school system, but the regulation provides that seniority will be the governing factor controlling transfer decisions. The parties did not introduce any evidence about the relationship between the policy and the regulation, i.e., whether the regulation was produced by the Local Board or by the Local Superintendent's office.

Notwithstanding the lack of any evidence about the relationship between the policy and the regulation, the Local Board reviewed the policy, the regulation, and the arguments of the parties and decided that the Local Superintendent had the authority to transfer Appellant to another school despite the fact that only one of the other four teachers had been at her school longer than she had been there. To the extent that there are any inconsistencies between the policy and the regulation, the Local Board has the authority to resolve such inconsistencies.

The State Board of Education has consistently taken the position that the assignment of teachers is an internal operational decision that does not involve the administration or interpretation of school law, thus denying jurisdiction to the State Board of Education to review a local board's transfer decision. *See, e. g., Whitaker v. Cherokee Cnty. Bd. of Educ.*, Case No. 1992-32 (Ga. SBE, Jan. 14, 1993). The parties have not shown any reason why this position should not apply to the instant case.

Based upon the foregoing, it is the opinion of the State Board of Education that it lacks jurisdiction to consider the appeal because it does not involve the interpretation or administration of school law. Accordingly, the appeal is hereby **DISMISSED**.

This _____ day of January 2006.

William Bradley Bryant
Vice Chairman for Appeals