

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

JEFF CROUCH,	:	
	:	
Appellant,	:	
	:	CASE NO.: 2023-10
v.	:	
	:	DECISION
BURKE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Jeff Crouch (“Appellant”) from a decision by the Burke County Board of Education (“Local Board”). For the reasons set forth below, the Appellant’s appeal is **DISMISSED**.

I. STATEMENT OF FACTS

From August 2019 through September 2022, Appellant was employed as a certified special education teacher at Burke County Middle School (“School”). During the 2019-2020 school year, the Appellant received an extended day stipend as compensation for the absence of a planning period. On or about August 2020, the Appellant filed grievances alleging professional misconduct by the Special Education Student Services Director (“SPED Director”) and the School Principal (“Principal”). Beginning in August 2020, although the Appellant continued to not have a planning period during the 2020-2021 school year, the extended pay stipend was discontinued without notice. On October 27, 2020, the Appellant sent an email to Dr. Angela Williams, Superintendent of Burke County Public Schools (“Superintendent”), complaining about the continued elimination of the stipend. On April 16, 2021, the Appellant, again, emailed the Superintendent requesting reinstatement of the stipend. On April 30, 2021, having not received clarity regarding the stipend, the Appellant filed a grievance directly with the Superintendent alleging that the extended day stipend was eliminated during the 2020-2021 school year in retaliation for August 2020 grievances. The Superintendent responded to the Appellant’s April 2021 grievance, by referring him to a letter dated October 14, 2020, composed by the school district’s general counsel, which set forth the appeal process to the State Board of Education. The Appellant did not file an appeal at that time with the State Board.

On or about September 24, 2021, the Appellant submitted another grievance to the Superintendent. In it, the Appellant alleged that the extended day pay of \$941.96, which was previously allotted to him as compensation for the absence of a planning period during the 2019-2020 school year, was eliminated from August 2020 through October 27, 2021 in retaliation for grievances filed during the 2019-2020 school year. In response to the September 2021, grievance, the Appellant’s extended day pay was reinstated on October 28, 2021 through the end of the 2021-2022 school year at the reduced rate of \$741.87. After multiple email inquiries into extended day backpay for the period from August 2020 to October 27, 2021 and informal requests for

reinstatement of the extended day pay rate to \$941.96 from \$741.87, the Appellant filed a grievance on March 9, 2022 with the Superintendent.

The Superintendent dismissed the Appellant's grievance on March 16, 2022 without a hearing for the following reasons. To articulate an initial grievance under O.C.G.A. § 20-2-989.8, *et seq.* and the Local Board's GAE Policy, the grievance must identify a "statute, policy, rule, regulation or written agreement" and must be submitted to the complainant's first level supervisor "within ten (10) calendar days after the most recent incident upon which the complaint is based." The Appellant's March 9, 2022, grievance failed to comply with O.C.G.A. § 20-2-989.8 and the GAE Policy. Moreover, rather than submit the grievance to his first level supervisor, the Principal, the Appellant bypassed her and submitted his grievance to his second level supervisor, the Superintendent.

On April 11, 2022, the Appellant sent correspondence to the Local Board requesting a hearing pursuant to O.C.G.A. § 20-2-1160 to present testimony and evidence regarding the elimination and reduction of extended day pay stipend. In the correspondence, the Appellant asked for a determination as to whether he was entitled under O.C.G.A. § 20-2-989.5, *et seq.* and the GAE Policy to grieve his complaint that the school district retaliated against him by eliminating and reducing his extended day stipend. Additionally, the Appellant requested that the Local Board hear evidence and decide whether the elimination and reduction of the Appellant's extended day pay was retaliation for the Appellant filing grievances alleging misconduct by the SPED Director and the Principal.

On May 4, 2022, the Local Board met with the Appellant, who was represented by counsel. The school district's general counsel was present and argued that the Appellant was time barred from raising his grievances at a hearing pursuant to O.C.G.A. § 20-2-1160. The Local Board did not permit the submission of testimony or evidence. However, the attorneys were allowed to present oral arguments on behalf of their clients. The school district's general counsel maintained that the Appellant had no recourse against alleged retaliation other than filing his grievance with the Georgia Professional Standards Commission ("GaPSC") as provided for under O.C.G.A. § 20-2-989.8(11). The Appellant was allowed to submit a post-hearing brief to the Local Board. Thereafter, the Local Board dismissed the Appellant's complaint, finding the Appellant time barred from escalating his grievances under both O.C.G.A. § 20-2-989.8 and O.C.G.A. § 20-2-1160.

II. DISCUSSION

The record transmitted from the Local Board shows that while the Local Board allowed the parties to offer arguments, no hearing occurred before the Local Board. The Local Board dismissed the appeal without conducting a hearing. O.C.G.A. § 20-2-1160(e) notes that the State Board's review of a local board's decision "shall be confined to the record" and shall not be a *de novo* review. In this case, there is no record containing testimony or evidence for the State Board to review. The State Board finds that because no hearing was conducted before the Local Board, the State Board lacks jurisdiction to consider the issues raised by the Appellant.

II. CONCLUSION

Based upon the foregoing and a review of the record, the Appellant's appeal is **DISMISSED**.

This 16th day of February, 2023.



LEONTE BENTON
VICE CHAIR FOR APPEALS