

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MARTIN CLEMENT,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1978-27
	:	
COLUMBIA COUNTY BOARD	:	
OF EDUCATION,	:	
	:	
Appellee.	:	

O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,


DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Columbia County Board of Education herein appealed from, is hereby affirmed.

Mr. Foster and Mrs. Oberdorfer dissented.

Mrs. Huseman was not present.

This 9th day of November, 1978.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

1978

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MARTIN CLEMENT,	:	
	:	
Appellant	:	CASE NO. 1978-27
	:	
vs.	:	REPORT OF HEARING
	:	OFFICER
COLUMBIA COUNTY BOARD	:	
OF EDUCATION,	:	
	:	
Appellee.	:	

PART I

SUMMARY OF APPEAL

This is an appeal from a decision by the Columbia County Board of Education (hereinafter referred to as "Local Board") to deny credits for one semester to Martin Clement (hereinafter referred to as "Appellant") because of his attendance at a non-accredited institution during a portion of the semester. The appeal complains that the decision by the Local Board erroneously applied the standards of the Southern Association of Schools; that the Local Board failed to exercise its discretion of allowing Appellant to take tests to see if he could pass the courses; that the refusal to permit Appellant the right to take the examinations denied him due process and equal protection of the law, and the denial of the credits and the opportunity to take examinations was arbitrary, capricious, erroneous, and not founded on fact or on evidence. The Hearing Officer recommends that the decision of the Local Board be upheld.

PART II

FINDINGS OF FACT

Appellant was enrolled in the Evans Junior High School, Columbia County, and was a student at the beginning of the 1977-78 school year. During the period August 9, 1977 through November 9, 1977, he attended classes for a total of 45 days and was absent five (5) days. On November 9, 1977, he was adjudicated a delinquent and committed to the Regional Youth Development Center, Augusta, Georgia, where he remained until December 13, 1977. After a release for the Christmas holidays, he was transferred to the Youth Development Center in Augusta, Georgia, where he remained until March 17, 1978. On March 17, 1978, the Juvenile Court of Columbia County reversed the decision of the Juvenile Referee and found Appellant not guilty of the act with which he was previously charged.

The Local Board gave Appellant credit for the period of time that he attended the Youth Development Center, but it would not give him any credit for the period of time that he attended the Regional Youth Development Center because the Regional Center was not an accredited institution. At the time of his commitment to the Regional Youth Development Center, where he spent a total of twenty-four (24) days, Appellant had been receiving passing grades in two of his courses and had incomplete grades in two other courses. The effect of the Local Board's action was that Appellant

received credits for the second semester, but did not receive credits for the first semester of the 1977-78 school year.

Appellant requested the school system to grant him credit for the time that he was in attendance at the Regional Youth Development Center. He also requested that he be allowed to take any examinations necessary to receive credit for those courses taken during the fall semester of the 1977-78 school year. When Appellant was advised that it was not possible for him to make up for the time he was in the Regional Youth Development Center, Appellant requested a hearing before the Local Board to resolve the problem of his credits. The Local Board held a hearing on May 30, 1978 and issued its decision denying Appellant his requests on June 9, 1978. The basis for the decision was that the granting of the credits was not in keeping with the policies of the State Board of Education and the Columbia County Board of Education, or the standards of the Southern Association of Colleges and Schools. Appellant requested a rehearing on June 26, 1978, which the Local Board denied at its July 5, 1978 meeting.

The record of the proceedings was stipulated to by the parties. The stipulation and the documents submitted at the hearing were sent to the State Board of Education on September 11, 1978.

PART III

CONCLUSIONS OF LAW

The parties stipulated the "Principles and Standards of Membership" of the Southern Association of Colleges and Schools. The sixth standard under Principle "D" provides that a member school "shall not accept credits from a school which is not accredited by a regional or state accrediting agency except when validated by examination or by scholarship performance."

The parties also stipulated the regulations of the State Department of Education. Regulation §40-214 states that credit for attendance at a school may be granted for temporary absences resulting from placement in other locations, but excludes "from coverage by this policy those institutions or programs such as Central State Hospital or youth development centers where the primary focus is on an objective other than education." Additionally, Regulation §40-211 provides that a school can claim attendance credit only for those days when a student is in attendance when a juvenile court directs the student not to attend.

Appellant claims that the State regulations apply only for the purposes of the local school system obtaining funds under the average daily attendance formula used for allocating funds to local systems. Appellant also claims that the standards of the Southern Association of Colleges

and Schools permits the local system to institute examinations of students who have not been in attendance in order to determine if the students should be granted credits.

An examination of the record submitted and the regulations stipulated by the parties does not disclose any error on the part of the Local Board. If there is any evidence to support the decision of a local board, the State Board of Education will not disturb the decision on review. Antone v. Greene County Board of Education, Case No. 1976-11. In the instant case, the Local Board could reasonably institute its policies under the existing regulations. Unquestionably, the Local Board could institute other policies, but there has not been any evidence submitted that the policies adopted are arbitrary or capricious. The Local Board has exercised its discretionary authority in instituting an administrative policy which the Hearing Officer concludes it had the power and authority to perform.

PART IV

RECOMMENDATION

Based upon the above findings and conclusions, the record submitted and the argument of counsel, the Hearing Officer is of the opinion that the decision of the Columbia County Board of Education was properly rendered. The

Hearing Officer, therefore, recommends that the decision of the Columbia County Board of Education be sustained.

L. O. BUCKLAND
Hearing Officer