

STATE BOARD OF EDUCATION

STATE OF GEORGIA

HUGH MAZZAWI,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 1979-26
	:	
WINNETT 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 Gwinnett County Board of Education herein appealed from is hereby sustained.

This 14th day of February, 1980.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION
STATE OF GEORGIA

HUGH MAZZAWI,	:	CASE NO. 1979-26
	:	
Appellant,	:	
	:	
vs.	:	REPORT OF
	:	
GWINNETT COUNTY BOARD OF	:	HEARING OFFICER
EDUCATION,	:	
	:	
Appellee.	:	

PART I

SUMMARY OF APPEAL

This is an appeal by Hugh Mazzawi (hereinafter "Appellant") from a decision by the Gwinnett County Board of Education (hereinafter "Local Board") not to permit two of his children to attend school outside their attendance zone. The basis for the appeal is that the decision causes a hardship on Appellant. The Hearing Officer recommends that the decision of the Local Board be sustained.

PART II

FINDINGS OF FACT

On September 18, 1979, Appellant submitted a request to the Local Board that his son be permitted to

attend Britt Elementary School for medical reasons. Appellant additionally requested that two of his other children also be permitted to attend Britt Elementary School in order to avoid driving so far in delivering the children to different schools.

Britt Elementary is outside the school attendance area in which Appellant lives. The school attendance areas were established by the Local Board and Local Board policy requires students to attend school in their attendance area unless the Local Board authorizes attendance at another school for medical reasons or "a genuine hardship case exists "

The Local Board held a hearing on the matter on October 9, 1979 and voted to permit the son who had the medical problem to attend Britt Elementary School. It was, however, decided that the two other children should attend the elementary school in their attendance area because a genuine hardship did not exist. Appellant filed his appeal to the State Board of Education on October 29, 1979.

PART III

CONCLUSIONS OF LAW

Appellant claims that he is faced with a hardship which arises because of his son's medical problem and

the Local Board's refusal to permit all three of his children to attend the same school. The Local Board, while it recognizes the situation, claims that Appellant is at worst merely inconvenienced and is faced with the same situation many other families must confront. The Local Board also argues that its decision is fair and reasonable because of overcrowded conditions at Britt Elementary School and the desirability of the Britt Elementary School location to many residents of the school district.

The Local Board is charged with the control and management of the schools within the county. See, Ga. Code §32-901. A decision by a local board of education will be upheld unless it is shown that the local board "has acted in violation of law or has grossly abused its wide discretion " Boney v. County Bd. of Educ. of Telfair County, 203 Ga. 152, 155 (1947). In the instant case, there does not appear to be any gross abuse of discretion on the part of the Local Board. The limited record does not show that any attack was made on the reasonableness or lawfulness of the attendance area regulations established by the Local Board. It also appears that the Local Board was concerned about the wider impact of their decision because of the perceived similar circumstances of other residents of the county. Appellant has failed to establish that the Local Board's decision was without the bounds of the wide discretionary power local

boards of education have in the care and management of the schools within their school district. The Hearing Officer, therefore, concludes that the decision of the Local Board was not unlawful and was not a gross abuse of discretion.

PART IV

RECOMMENDATION

Based upon the foregoing findings and conclusions, the record submitted, and the briefs and arguments of counsel, the Hearing Officer is of the opinion that the decision of the Local Board was lawful and properly made. The Hearing Officer, therefore, recommends that the decision of the Gwinnett County Board of Education requiring two of Appellant's children to attend the school within their attendance zone be sustained.



L. O. BUCKLAND
Hearing Officer