

STATE BOARD OF EDUCATION

STATE OF GEORGIA

EDWARD E., )  
Appellant, )  
v. ) CASE NO. 1985-5  
EFFINGHAM COUNTY BOARD OF EDUCATION )  
Appellee. )

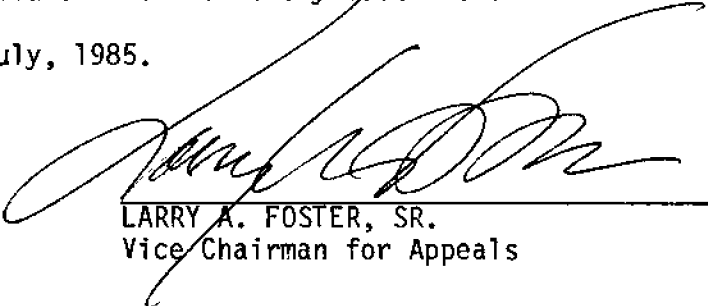
O R D E R

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 Effingham County Board of Education herein appealed from is hereby sustained.

This 11th day of July, 1985.

  
LARRY A. FOSTER, SR.  
Vice Chairman for Appeals

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EDWARD E.,	)	
	)	
Appellant,	)	
	)	CASE NO.
v.	)	
	)	1985-5
EFFINGHAM COUNTY BOARD	)	
OF EDUCATION,	)	
	)	REPORT OF
Appellee.	)	STATE HEARING OFFICER

PART I

SUMMARY

This is an appeal by the parents of Edward E. (hereinafter "Student") from a decision of the Effingham County Board of Education (hereinafter "Local Board") that the Student would not be given Carnegie Unit credit for classes in which the Student exceeded the maximum twenty (20) absences allowed by Local Board policy. The Appellant argues that the Local Board ruling is unfair to the Student and that the option of attending summer school to obtain passing grades is disciplinary and punitive in nature and will impose a hardship on Appellant's family.

PART II

FACTUAL BACKGROUND

The Local Board has a policy that "no student who has more than twenty (20) absences for any reason from a whole unit course will earn a Carnegie unit for the course." The Student in this case missed more than twenty days of classes and was denied credit for those classes.

Local Board policy provides for granting credit to Students who have exceeded twenty (20) absences. In order to qualify to receive credit after exceeding twenty (20) absences, a student must attend a twenty (20) day, four (4) hour a day summer school program. The program has a fifty dollar cost (\$50.00).

In this case, the Student's parents requested that the Local Board grant an exception to their policy and grant the Student credit without requiring the Student to attend the summer school program. The letter of appeal states that the Student was excused in writing by his mother or father with an explanation for each absence. They stated that three absences were due to the death of the Student's grandmother, five absences were due to treatment of the Student's broken right hand, and the remaining days of illness were due to a chronic strep throat condition. They further contend that the summer school requirement is disciplinary and punitive and will impose a hardship on the family.

The Local Board refused to grant any exception and decided to enforce the policy. This decision had the effect of requiring the Student to attend the summer program or not receive credit for the courses in which he missed more than twenty (20) class days.

The records of the Local Board showed that the Student missed twenty-two days, of which eight absences were unexcused.

There is evidence in the record that the parents were notified of the Local Board's policy and of the fact that the Student was in danger of exceeding the maximum number of absences.

### PART III

#### DISCUSSION

On appeal, the parents have asked for an expedited appeal and have not requested oral argument. Thus, this decision is based upon the record submitted without the benefit of briefs or oral argument.

Absent an abuse of discretion, the State Board of Education is required to affirm the decision of the Local Board if there is any evidence to support the decision. See, Ransum v. Chattooga Cnty Bd. of Ed., 144 Ga. App. 783 (1978); Antone v. Greene Cnty Bd. of Ed., Case No. 1976-11. In the present case, it is clear there is evidence to support the Local Board that the Student exceeded the number of absences allowed by Local Board policy in order to receive credit. The Student's parents admitted to at least twenty-one absences and the school records showed the Student had twenty-two absences.

The policy which provides that the Student must not miss more than twenty days in order to receive credit is not such an abuse of discretion by the Local Board which would authorize the State Board of Education to reverse the Local Board's decision. Local boards are authorized by the Constitution of the State of Georgia to control and manage the school system.

Part of the control and management of the Local Board is the discretion to determine what the requirements will be for a student to receive course credit. Here, the Local Board made a judgment that attendance is an integral part of the learning process and, in order to receive Carnegie unit credits, a student must complete certain attendance requirements. The fact that a student might be able to pass the course work or course tests without attending class is not deemed sufficient to receive Carnegie Unit Credit. The Local Board could believe that the Student would learn information in class which is not generally tested or capable of being tested. Appellant has not shown that the Local Board's policy is arbitrary and capricious and has cited no authority to support that position.

#### PART IV

#### RECOMMENDATION

Based upon the foregoing discussion and the record submitted, the Hearing Officer is of the opinion that there is evidence in the record to support the decision of the Local Board and that the Local Board policy is not an abuse of its discretion. The Hearing Officer, therefore, recommends that the decision of the Local Board be

SUSTAINED.

*L. O. Buckland*  
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L. O. BUCKLAND  
State Hearing Officer