

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MARLENE P.,)
)
 Appellant,)
 v.) **CASE NO. 1986-6**
)
)
 JONES COUNTY)
 BOARD OF EDUCATION,)
)
 Appellee.)

ORDER

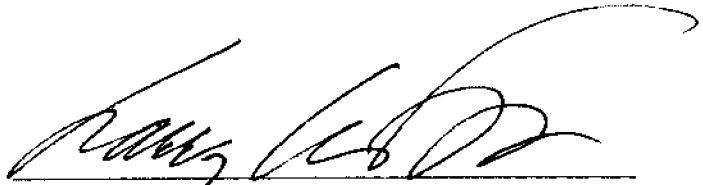
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

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 appeal from the decision of the Jones County Board of Education herein appealed from is hereby dismissed.

Mrs. Jasper and Mr. Carrell were not present.

This 12th day of June, 1986.


LARRY A. FOSTER, SR.
Chairman

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MARLENE P.,)	
)	
Appellant,)	CASE NO. 1986-6
)	
V.)	
)	
JONES COUNTY)	
BOARD OF EDUCATION,)	
)	
Appellee.)	RECOMMENDATION OF HEARING OFFICER

PART I

SUMMARY

This is an appeal by the parents of Marlene P. (hereinafter "Student") from a decision by the Jones County Board of Education (hereinafter "Local Board") sustaining the decision of one of their principals to send home a disciplinary note on the Student. The parent contends on appeal the action was unfair because the Student was only defending herself. The Local Board contends the parent has not met the appeal requirements of Paragraph B of O.C.G.A. § 20-2-1160. The Hearing Officer recommends the appeal be dismissed.

PART II

FACTUAL BACKGROUND

The record on appeal consists of the minutes of a local board meeting, held on February 11, 1986, a copy of a disciplinary note issued by the principal of the Student's school, and the parents' appeal letter. The minutes reflect the fact that the Local Board heard the parent's complaint concerning an altercation between the Student and another child. The Local Board then decided that discipline matters of that type were best decided by the principal. The

disciplinary note issued by the principal simply describes an altercation between the Student and the other child and states that the principal talked with both children about the problem.

The parent filed this appeal on February 19, 1986.

PART III

DISCUSSION

On appeal, the parents contend the facts are as follows. The Student was riding the school bus home and, while on the bus, picked up a pencil from the floor. A classmate, who owned the pencil, then pushed her down, sat on top of her, and began hitting the Student. The Student then pushed her classmate off of her with her leg. The parent reported the incident to the Superintendent who turned the matter over to the principal. The principal questioned the Student and the classmate involved two days in a row and then said it was the Student's fault it occurred because the Student should not have picked up the pencil in the first place. The principal further stated that because the Student pushed her classmate off with her foot, the Student was wrong for fighting back. The principal then sent home the disciplinary note.

If the facts were as the parents argue on appeal, that the Student did nothing more than push her classmate off of her with her foot in self-defense, then it is understandable that the parents might feel a disciplinary action against the Student was arbitrary and capricious. However, the record before the State Board of Education does not reflect the facts as presented by the parents. The minutes of the board meeting do not provide a summary of the testimony given and it appears that the Local Board simply listened to various individuals regarding the incident, and decided the matter was of the type to be handled by the school principal rather than the Local Board.

In this appeal, the record does not reflect the facts as argued by the parents and the parents present no legal grounds for their appeal. The State Board of Education is restricted to the record in making its decision. Here, the record does not reflect the facts which are being argued by the parents on appeal. Additionally, it does not appear from the record that the Local Board made any decision as to the facts of the altercation because the Student and her classmate did not appear to testify. Thus, there is nothing in the record to provide any basis for the parents' contentions on appeal.

PART IV

RECOMMENDATION

Based upon the foregoing discussion, the record presented, and the brief of the parents, the Hearing Officer is of the opinion no legal basis for appeal has been set forth. The Hearing Officer, therefore, recommends the appeal be

DISMISSED.

L. O. BUCKLAND
Hearing Officer