

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JOSH P.,)	
)	
Appellant,)	CASE NO. 1986-17
)	
v.)	
)	
PICKENS 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 Pickens County Board of Education is hereby dismissed.

This 14th day of August, 1986.

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JOSH P.,)	
)	
)	
Appellant,)	CASE NO. 1986-17
)	
v.)	
)	
PICKENS COUNTY BOARD OF EDUCATION)	RECOMMENDATION
)	
Appellee.)	

SUMMARY

This is an appeal by the parent of Josh P. (hereinafter "Student") from a decision of the Pickens County Board of Education (hereinafter "Local Board") to have the Superintendent contact the parent by letter to state that there was no record of any evidence which showed that the Student's teacher had been unfair or had mistreated the Student in any way. The minutes also reflect that the Local Board stated that the parent should be advised to leave the teacher alone and allow her to teach her class. The parent states on appeal that she is dissatisfied with the findings of the Local Board. The Hearing Officer recommends the appeal be dismissed.

The parent attended a meeting of the Local Board on April 15, 1986. The minutes of the meeting reflect that the parent contended the Student had been unfairly treated in the classroom by the teacher and by other students. The parent also referred to incidents in the lunchroom of food throwing, a "hot seat" and a refrigerator box.

The teacher denied any wrongdoing and stated that the “hot seat” was just a desk away from the other students where she could keep the Student from being disruptive in the classroom, and the refrigerator box was simply an individual study unit, not used for disciplinary purposes, in which the Student had never been placed.

The Local Board concluded by directing the Superintendent to contact the parent and state there was no record of any evidence showing that the teacher had been unfair or mistreated the Student in any way and to advise the parent to leave the teacher alone and allow her to teach her class.

The parent filed this appeal April 22, 1986.

DISCUSSION

The appeal letter simply states the parent is dissatisfied with the findings and the parent’s brief discusses her allegations of unfair treatment with respect to the Student being made to sit beside the teacher, as well as other allegations which were not reflected in the minutes of the Local Board as being raised before the Local Board.

The State Board of Education is authorized to hear appeals from decisions of local boards of education made when sitting as a tribunal for hearing matters of local controversy in reference to the construction or administration of the school law. O.C.G.A. §20-2-1160. The State Board of Education is required to sustain the decision of a local board of education if there is any evidence to support the decision of the local board absent an abuse of discretion or violation of law on the part of the Local Board. See, Ransum v. Chattooga 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 questionable as to whether the Local Board was sitting as a tribunal for hearing a matter of local controversy under O.C.G.A. § 20-2-1160 (and thus providing an appealable matter to the State Board of Education), but, even if it were sitting as such a tribunal, the parent has not provided the State Board of Education with any legal grounds for appeal. While the parent may or may not be justified in her dissatisfaction with the Local Board's actions, mere dissatisfaction by a parent does not provide a legal ground for reversal of a decision of a Local Board.

The parent's concern about the Student's treatment in the classroom is now a moot issue since the Student will be in another grade with another teacher during the coming year. If the parent believes there is continued harassment of the Student, she can proceed before the Local Board.

The parent also argued at the hearing that they had not been provided copies of a psychological examination of the Student which had been requested by the school administration and was included in the record. The examination did not contain any prejudicial information about the Student. Its inclusion in the record, however, was improper since it was not presented at the meeting before the Local Board. The report, therefore, should be entirely disregarded. This does not, however, establish any basis for appeal from the actions taken by the Local Board.

RECOMMENDATION

Based on the forgoing discussion, the record presented and the brief of the parent, the Hearing Officer is of the opinion the parent has presented no legal ground for appeal. The Hearing Officer, therefore, recommends the appeal be

DISMISSED.

L. O. BUCKLAND
Hearing Officer