

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

KIM J., )  
 )  
 Appellant, )  
v. ) CASE NO. 1986-18  
 )  
 WALKER COUNTY )  
 BOARD OF EDUCATION, )  
 )  
 Appellee. )

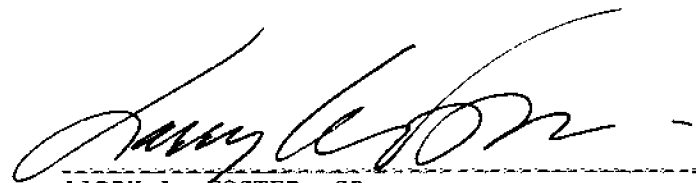
**ORDER**

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 Walker County Board of Education is hereby dismissed.

This 14th day of August, 1986.

  
LARRY A. FOSTER, SR.  
Vice Chairman for Appeals

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

KIM J.,	)	
	)	
Appellant,	)	
v.	)	CASE NO. 1986-18
	)	
WALKER COUNTY	)	RECOMMENDATION
BOARD OF EDUCATION,	)	
	)	
Appellee.	)	

**SUMMARY**

This is an appeal by the parent of Kim J. (hereinafter “Student”) from a decision of the Walker County Board of Education (hereinafter “Local Board”) that there was no record to be corrected with respect to the Student. The parent contends on appeal that the Local Board should have admitted that the Student did not pass a school bus as reported by a bus driver since the parent proved that fact. The Local Board contends its actions were within its authority and its decision should be sustained. The Hearing Officer recommends that the appeal be dismissed.

**FACTUAL BACKGROUND**

On April 21, 1986 a hearing was held by the Local Board at the request of the parent. At that hearing, the parent came forward to dispute a charge which was made to the State Patrol that on September 9, 1985 the Student had passed a school bus which had its stop sign out. The Student testified she did not pass the bus and that her car was in the shop for repair on that day. The Student’s father also testified the Student’s car was in the shop for repair from August 28, 1985 to September 16, 1985, and the Student’s mother testified she took the Student to school during that time. The bus driver testified the Student passed her when the bus stop sign was out.

The Local Board issued a decision on April 23, 1986, which stated that there was no record within its jurisdiction or control to be corrected since no disciplinary action had been taken by school officials, and there was nothing in the Student's files.

#### DISCUSSION

The parent contends on appeal that the Local Board should have admitted that the Student did not pass the bus.

The State Board of Education is authorized to consider appeals from decisions of local boards of education made after hearing matters of local controversy in reference to the construction or administration of the school law. In the present case, it does not appear that any question or controversy regarding a matter of school law was presented before the Local Board. The parent simply asked the Local Board to correct the Student's record when, in fact, no adverse record was shown to exist.

Because no question or controversy regarding a matter of school law was presented before the Local Board, no decision on such a question or controversy exists for appeal to the State Board of Education.

#### RECOMMENDATION

Based upon the foregoing discussion, the record presented, and the briefs submitted, the Hearing Officer is of the opinion there is no decision by the Local Board on a question or controversy involving school law. The Hearing Officer, therefore, recommends the appeal be

DISMISSED.

L. O. Buckland  
Hearing Officer