

STATE BOARD OF EDUCATION

STATE OF GEORGIA

THAD STAPLES, ENNIS HART)	
and JERRY THOMPSON,)	
)	
Appellants,)	
)	CASE NO. 1986-22
v.)	
)	
TELFAIR 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 decision of the Telfair County Board of Education herein appealed from is hereby sustained.

This 14th day of August, 1986.

STATE BOARD OF EDUCATION

STATE OF GEORGIA

THAD STAPLES, ENNIS HART)

and JERRY THOMPSON,)

Appellants,)

v.)

TELFAIR COUNTY)

BOARD OF EDUCATION,)

Appellee.)

CASE NO. 1986-22

RECOMMENDATION

SUMMARY

This is an appeal by Thad Staples, Ennis Hart and Jerry Thompson (hereinafter "Appellants") from a decision of the Telfair County Board of Education (hereinafter "Local Board") to consolidate all Telfair County Schools into three schools divided by grade. The Appellants contend on appeal the schools which are to be phased out are in better condition than the schools to which the children will be transferred, the action will have a detrimental economic effect on the areas left without local schools, pupils will be required to travel too far by bus, the consolidation will not be in the best interests of the children, the action of the Local Board violates Georgia Law, and that the decision to consolidate the schools will place a financial burden on the taxpayers. The Local Board contends there was ample evidence to support its decision. The Hearing Officer recommends the decision of the Local Board be sustained.

FACTUAL BACKGROUND

The Local Board decided on March 26, 1986 to consolidate all of the schools in its jurisdiction into three schools divided by grade. By letter dated April 18, 1986, Appellants requested the Local Board to reconsider its decision to consolidate. The Local Board met on April 24, 1986. At the meeting, the Local Board heard testimony from citizens of the county who opposed the consolidation decision and from citizens who supported the consolidation decision. Additionally, the Local Superintendent introduced into evidence documentation which had been submitted to the Local Board members over the course of the past year in which the Local Board had considered adopting the consolidation plan. Included in this documentation were reports from various consultants, reports on the financial impact of various options the Local Board considered, reports reflecting the effect various options would have on staffing patterns, as well as other documentation which the Local Board considered in making its decision.

At the end of the hearing on April 24, 1986 the Local Board voted to deny Appellants' motion to reconsider. Appellants filed this appeal on May 23, 1986.

DISCUSSION

Local boards of education are empowered by Article 8, Section 5, Paragraph 2 of the Constitution of the State of Georgia to manage and control the schools within their jurisdiction. Under O.C.G.A. § 20-2-60:

The board of education of any county shall have the right, if, in its opinion, the welfare of the schools of the county and the best interests of the pupils require, to consolidate two or more schools into one school, to be located by the county board at a place convenient to the pupils attending the consolidated school, the schoolhouse to be located as near the center of the district or districts as practicable.

Thus, local boards are vested with great discretion, subject to the broad requirement that the schoolhouse be located as near the center of the district or districts as practicable, in deciding the

location of schoolhouses. The decision as to whether the location of the schoolhouse is as near as practicable to the center is a decision left to the discretion of the local board.

The State Board of Education is authorized to hear appeals from decisions of local boards under O.C.G.A. §20-2-1160. However, the State Board of Education is not authorized to substitute its judgment for that of the Local Board. The State Board of Education is bound to affirm the decision of the Local Board if there is any evidence to support their decision absent an abuse of discretion or a violation of law by the Local Board. See, Ransum v. Chattooga Cnty. Bd. of Ed., 144 Ga. App. 783 (1978); Antone Greene Cnty. of Ed Case No. 1976-11.

Appellants, in the present case, have stated numerous reasons for appeal which provide no legal grounds for reversal of the decision of the Local Board by the State Board of Education under the above-stated standard. The allegations that the schools which are to be phased out are in better condition than the schools to be used, that the action will have a detrimental economic effect on the areas left without local schools, and that the pupils will be required to travel too far by bus, do not provide the State Board of Education grounds for reversing the decision of the Local Board. Such considerations are important factors for the Local Board to consider in making its decisions but other factors, such as the quality of the program the Local Board feels it can offer through consolidation or the long term savings the board feels it can make, may override considerations of the condition of the schools to be abandoned, the economic effect, and bus travel.

Appellant's additional assertions, that the decision of the Local Board should be reversed because the decision would not be in the best interests of the children, and it violates Georgia Law, also do not warrant reversal of the decision of the Local Board. There is ample evidence in the record to support the Local Board's decision that the consolidation was in the best interests of the children of Telfair County. While others may not have reached the same decision, it is clear the Local Board took great pains to investigate its options and attempted to make the best decision it could. The documentation submitted shows the Local Board began its consideration over a year prior to its actual decision, considered the facts, considered the opinion

of experts in education, and listened to the people of the county in numerous public meetings. Thus the decision is clearly not arbitrary.

RECOMMENDATION

Based on the foregoing discussion, the record and brief submitted, the Hearing Officer is of the opinion there is evidence to support the decision of the Local Board and the decision was a legal exercise of the authority of the Local Board. The Hearing Officer, therefore, recommends the decision of the Local Board be

SUSTAINED.

L. O. BUCKLAND
Hearing Officer