

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**AGNES N.,** )  
 )  
 **Appellant.** )  
**V.** ) **CASE NO. 1986-35**  
 )  
 **CLARKE 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 Clarke County Board of Education herein appealed from is hereby sustained.

This 11th day of December. 1986.

LARRY A. FOSTER, SR.  
Vice Chairman For Appeals

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**AGNES N.,**

**Appellant,**

**v.**

**CLARKE COUNTY BOARD OF  
EDUCATION,**

**Appellee.**

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**CASE NO. 1986-35**

**RECOMMENDATION OF  
HEARING OFFICER**

**PART I**

**SUMMARY**

This is an appeal by Agnes N. (hereinafter "Student") from a decision of the Clarke County Board of Education (hereinafter "Local Board") not to grant her Carnegie credits in the courses in which she had more than twenty absences. The Student argued on appeal that she had excuses from either her doctor or her mother for her absences. The Local Board contends there is evidence in the record to support its decision. The Hearing Officer recommends the decision of the Local Board be sustained.

**PART II**

**FACTUAL BACKGROUND**

The Local Board has a policy which provides that students who are present less than one hundred and sixty days of class will not receive Carnegie Unit credit for the class, students are allowed to appeal if the loss of Carnegie Unit credit was due to record-keeping errors or extenuating circumstances.

The Student had more than the twenty absences and did not attend the classes for One-hundred-sixty days as required under the Local Board's policy. She appealed the credit denial to the

Local Board and contended she was sick during the days she missed. The local Board considered the Student's request at a hearing on June 8, 1986, and denied the request.

At the hearing before the Local Board, evidence was presented that the Student missed in excess of thirty days in the classes in which she was denied credit. The Student testified that on some of the days she missed, she had stomach cramps and the Student's mother testified the Student had migraine headaches.

### **PART III**

#### **DISCUSSION**

The State Board of Education follows the rule that if there is any evidence to support the decision of a local board of education, the decision will not be disturbed upon review. See, Ransom V. Chattanooga City. Bd. of Ed., 144 Ga. App. 783 (1978); Antoine v. Greene Cnty. Bd. of Ed., Case No. 1976-11. This rule is controlling unless some error of law is shown, or the decision of a local board of education is an arbitrary and capricious decision.

In the instant case, there is evidence to support the decision of the Local Board, no error of law has been shown, and the decision of the Local Board has not been shown to be arbitrary and capricious. The record shows that the Student exceeded the permissible number of days she could be absent and still pass the courses. Additionally, the Local Board policy allows for exceptions in exceptional *circumstances*, but the record does not show any circumstances which demand a finding of exceptional circumstances by the Local Board. The Student testified that she was sick during the days she missed school but that does not require a finding that the decision of the Local Board was arbitrary and capricious. As was stated in Edward Ev. Effingham Cnty. Bd. of Ed., Case No. 1985-5: "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 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 the Local Board’s policy, or the application of that policy in this instance, to be capricious.

**PART IV**

**DECISION**

Based on the record and the arguments presented, the Hearing Officer is of the opinion there was evidence to support the decision of the Local Board and the Local Board acted within its discretion. The Hearing Officer, therefore, recommends that the decision of the Local Board be

SUSTAINED.

L. O. BUCKLAND  
State Hearing Officer