

**STATE BOARD OF EDUCATION**  
**STATE OF GEORGIA**

|                            |   |                         |
|----------------------------|---|-------------------------|
| <b>NETRA WYMBS,</b>        | ) |                         |
|                            | ) |                         |
| <b>Appellant.</b>          | ) |                         |
|                            | ) |                         |
| <b>v.</b>                  | ) | <b>CASE NO. 1986-36</b> |
|                            | ) |                         |
| <b>CLARKE COUNTY</b>       | ) |                         |
| <b>BOARD OF EDUCATION.</b> | ) |                         |
|                            | ) |                         |
| <b>Appellee.</b>           | ) |                         |

**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 13th day of November. 1986.

LARRY A FOSTER, SR.  
Vice Chairman for Appeals

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

|                               |   |                          |
|-------------------------------|---|--------------------------|
| <b>NETPA WYMBS,</b>           | ) |                          |
|                               | ) |                          |
| <b>Appellant,</b>             | ) | <b>CASE NO. 1986-36</b>  |
|                               | ) |                          |
| <b>v.</b>                     | ) |                          |
|                               | ) | <b>RECOMMENDATION OF</b> |
| <b>CLARKE COUNTY BOARD OF</b> | ) | <b>HEARING OFFICER</b>   |
| <b>EDUCATION,</b>             | ) |                          |
|                               | ) |                          |
| <b>Appellee.</b>              | ) |                          |

**PART I**

**SUMMARY**

This is an appeal by Netra W. (hereinafter "Student") from a decision of the Clarke County Board of Education (hereinafter "Local Board") not to grant her credits in the courses in which she had more than twenty absences. The Student contends on appeal that the Local Board failed to take into account the seriousness of her prior personal and family problems and their effect on her attendance this year. 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 allowable under the Local Board's policy. She appealed the denial of credit 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 7, 1986, and denied the request.

At the hearing before the Local Board, evidence was presented that the Student missed more than thirty days of the classes for which she was denied credit, and in one instance in excess of forty days. Additionally, the Student testified that on some of the days she missed she "would just hang around parks, you know, thinking and crying."

### **PART III**

#### **DISCUSSTON**

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, Ransum v. Chattooga Cnty. Bd. of Ed., 144 Ga. App. 783 (1978); Antone 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 records reflect 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 appeals in extenuating circumstances, but the record does not reflect extenuating circumstances which demand that the Student receive the credits. The Student admitted she spent time in parks during some of the days she was absent. From that testimony, the Local Board could have concluded

that the Student's sickness, at least on some occasions, was an aversion to school rather than a physical ailment. Additionally, with the number of days missed, the Local Board was authorized to determine that the Student missed enough of the educational process to fail to qualify for credit. As was stated in Edward E. v. Effingham County Board of Education, 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.”

#### **PART IV**

#### **RECOMMENDATION**

Based on the record presented and the appeal filed by the Attorney for the Student, 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 recommends the decision of the Local Board be

SUSTAINED.

L. O. BUCKLAND  
Hearing Officer