

STATE BOARD OF EDUCATION

STATE OF GEORGIA

GEORGETOWN MIDDLE SCHOOL :
DEFENSE COMMITTEE, ET AL., :
: :
Appellants, : :
: : **CASE NO. 1995-10**
vs. : :
: : **DECISION**
SAVANNAH-CHATHAM COUNTY : :
BOARD OF EDUCATION, : :
: :
Appellee. :

This is an appeal by the Georgetown Middle School Defense Committee and individual residents of an area of Chatham County known as Georgetown (Appellants) from a decision by the Savannah—Chatham County Board of Education (Local Board) to locate a middle school in an area known as Rockingham Farms rather than within the area known as Georgetown. Appellants claim that the Local Board abused its discretion, is estopped from building anywhere other than in Georgetown, and that the Rockingham Farms site is unsafe. The Local Board’s decision is sustained.

During the spring of 1994, the Local Board of Education supported a bond referendum for the construction of several new schools within the school district. One of the proposed schools was the “Georgetown Middle School.” Following passage of the bond referendum, the Local Board investigated several sites within the Georgetown area and selected two possible locations, one within the Georgetown area and another approximately five miles away in an undeveloped area known as Rockingham Farms. When the Georgia Department of Education investigated the sites, it disapproved the Georgetown area site and approved the Rockingham Farms site. The Georgetown area site was not approved because of the proximity of a railroad line. The Local Board then proceeded to acquire the Rockingham Farms property and plan for the construction of the middle school. When the property was acquired, the Local Board changed the name of the school to “Southwest Middle School.”

Appellants, who are residents of the Georgetown area, requested a hearing before the Local Board to protest the selection of the Rockingham Farms site. At the hearing before the Local Board, Appellants presented evidence that the Rockingham Farms site was within the Accident Prevention Zone of Hunter Army Airfield, which is located nearby. Additionally, Appellants showed that a railroad was located within one—quarter of a mile of the site and a large barrow pit was also located near the site. Appellants also presented evidence that the Local Board would incur substantial costs to develop the infrastructure to support the school.

Following an initial day of hearing, the Local Board learned that the Rockingham Farms site was within the Accident Prevention Zone of Hunter Army Airfield. As a result, before the hearing resumed, the Local Board moved the site so it was not located within the Accident

Prevention Zone. The Local Board presented evidence that the site contained eighty acres, sixty of which were donated by the owners of the property and twenty that the Local Board purchased from the owners.¹

Appellants argue that the Local Board is estopped from building a middle school anywhere other than in the Georgetown area because the school administration and the Local Board members publicized that the middle school would be built within the Georgetown community. Appellants contend that they supported and voted for the bond referendum because of their understanding that the school would be built within the Georgetown community.

Appellants also argue that the Rockingham Farms site selected by the Local Board is unsafe because it is within the flight pattern of flights in and out of Hunter Army Airfield, it is subject to excessive noise from the aircraft that fly in and out of Hunter Army Airfield, it has a large barrow pit located near the property, and a railroad line is close to the property. Additionally, Appellants claim that the Rockingham Farms site is more expensive than a Georgetown site because of the need to pay for infrastructure development at the Rockingham Farms site.

“The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board’s decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976—11 (Ga. SBE, Sep. 8, 1976).” Roderick J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991).

The record shows that before the bond referendum, the new middle school was initially identified as the Southwest Middle School, but the identification was changed to Georgetown Middle

1 There was an additional five acres involved in the tract, but it is unclear whether the five acres were deeded to the Local Board or were to be deeded to the county.

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School before the referendum was held. The school administrators testified that the change was made to more narrowly identify the area where the school was to be located, but the principal need was to establish a middle school to serve the elementary schools in the southwest area, which included the Georgetown area. The actual location of the school, however, was not identified before the bond referendum was held. In addition, the bond referendum involved the construction of several other schools. After the bond referendum, the Local Board identified sites within the Georgetown area and at Rockingham Farms. The Georgetown site was not approved by the Georgia Department of Education, while the site at Rockingham Farms was approved.

Appellants claim that the Georgia Department of Education’s disapproval of the Georgetown site and approval of the Rockingham Farms site was improper because both the disapproval and the approval did not follow the Department of Education’s own guidelines. The Local Board, however, does not control the approval process adopted by the Georgia Department of Education. Faced with the disapproval of the Georgetown site and the approval of the Rockingham Farms site, the Local Board’s approval of the Rockingham Farms site certainly was not arbitrary or capricious.

The record also does not show that the Local Board is estopped from moving the location of the middle school from the Georgetown area to the Rockingham Farms site. There was no evidence that a definite location was selected for the middle school before the bond referendum,

and there was no evidence that the Appellants detrimentally relied upon any actions taken by the Local Board. While Appellants claim they supported the bond issue in reliance on the belief the school would be located within the Georgetown area, there is no evidence the bond referendum would not have passed if Appellants did not vote for it. Additionally, there is no evidence that the middle school would be built with bond funds rather than other local or state funds.

The Local Board also received evidence concerning the safety issues and the cost of the Rockingham Farms site. There was evidence that the flight patterns of the Hunter Airfield flights did not pose a threat to the school, and the noise caused by the flights would be controlled within acceptable limits through the construction techniques used. There was also evidence that the barrow pit and the railroad did not pose any hazard because the property would be fenced and beams would be constructed so that students would not have access to either the railroad tracks or the barrow pit, and any railroad accidents would not cause a hazard to the students. There was, therefore, evidence before the Local Board that the Rockingham Farms site is safe for the development of a middle school.

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There was evidence before the Local Board concerning the costs of developing the infrastructure for the Rockingham Farms site. The Rockingham Farms site is large enough to accommodate the middle school, an elementary school, and a high school. The Local Board divided the infrastructure costs among the two or three schools and determined that the costs were less than the costs of purchasing the Georgetown area site. There was, therefore, evidence before the Local Board that the cost of the Rockingham Farms site was less than the cost of the Georgetown area site. The State Board of Education, therefore, concludes that there is evidence to support the Local Board's decision.

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board was not estopped to build a school at the Rockingham Farms site, nor was the Local Board's decision arbitrary or capricious. The Local Board's decision, therefore, is SUSTAINED.

This 11th day of May, 1995.

Mrs. King, Mr. Sessoms and Mr. Williams were not present.

Robert M. Brinson

Vice Chairman for Appeals

