

STATE BOARD OF EDUCATION
STATE OF GEORGIA

JAMES P.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1996-31
vs.	:	
	:	DECISION
EVANS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by James P. (Student) from a decision by the Evans County Board of Education (Local Board) not to grant him credit in his classes because he missed more than nine days without proper excuses. As a result of the Local Board's decision, the Student was unable to obtain his diploma at the end of the 1995-1996 school year. The Student claims that the Local Board's policy is vague, that he complied with the policy requirements and had proper excuses for his absences, and the Local Board failed to consider his extenuating circumstances. The appeal is dismissed as moot.

The Local Board has a policy that provides:

A student is allowed to miss only nine (9) days per semester in ANY CLASS, regardless of the reason, and still receive credit in THAT CLASS unless the following procedures are adhered to:

- (1) Parent notes will be accepted for five (5) of the absences.
- (2) Each additional absence must be covered by a note from a doctor.... These notes must specify each day of absence. ... Doctor's notes will be accepted for any absence beginning with the first....

Student Handbook, p. 44 (emphasis in original).

The record shows that the Student had eleven absences in each of his first four periods and ten absences in his fifth period during his first semester of the 1995-1996 school year. His respective grades in the classes would have been 98, 73, 83, 98, and 81 if he had received credit. In the first four periods, the Student submitted nine parent notes and two doctor notes. In the fifth period, he submitted eight parent notes and two doctor

notes.¹

Notwithstanding the lack of credits, the Student was only one-half credit short to graduate. The Vice-Chairman for Appeals from the State Board of Education issued a supersedeas order and the Student was allowed to participate in his graduation ceremony, but did not receive a diploma. It appears from the record that he attended summer school and received the one-half credit to obtain his diploma and will attend college at the beginning of the 1996-1997 school year. The issues raised, therefore, are moot. Thus, even though the policy, as written, is problematic, the State Board of Education declines to exercise jurisdiction. The appeal, therefore, is hereby DISMISSED.

This 8th day of August, 1996.

Mr. Brinson, Mr. Sessoms, and Ms. King were not present. The seat for the Eleventh District is vacant.

¹ The Local Board takes the position that only five parent notes are permitted and the remainder has to be notes from a doctor. Under the Local Board's interpretation, a student with nine absences can have nine parent-excused absences and receive credit, but a student with ten absences can only have five parent-excused absences. Students are thus placed into a situation where once valid excuses become invalid excuses. The policy, however, does not warn the students that valid excuses will become invalid excuses.