

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A.B.,

Appellant

CASE NO. 1998-31

vs.

**HARRIS COUNTY
BOARD OF EDUCATION**

Appellee

DECISION

This is an appeal by A. B. (Student) from a decision by the Harris County Board of Education (Local Board) not to change its policy concerning how grades are given for advanced placement classes. The Student's only claim is that the policy unfairly penalizes some students who take advanced placement classes. The Student wanted the policy changed so that she would possibly be the salutatorian of her graduating class. The Local Board's decision is sustained.

The Local Board's policy IHA. 1, Grading System, provides that if a student takes an advanced placement class, up to five points will be added to their final course grade, but the final course grade cannot exceed 100. Consequently, a student who makes a 95 in the class will get the same grade as the student who makes 100. Both students will receive a grade of 100 for the class. The purpose of the grade change was to provide students with some recognition of the difficulty of advanced placement classes.

The Student wanted the Local Board to change the policy so that five points would be added to the final course grade even if the final grade would exceed 100. The policy was in place when the Student entered the ninth grade and has applied to all students in her class.

Local boards of education are charged with the responsibility of managing the schools under their jurisdiction and that management will not be interfered with in the absence of any showing that the local board has violated the law or some regulation, or has made an arbitrary or capricious decision. Here, the Student has not shown that the Local Board violated any law, or that its decision was arbitrary and capricious. Even if the policy has some inequities, it was applied equally to all students. The Local Board was not required to arrive at a policy that was perfectly fair in all instances.

The Student may also be estopped to raise her claim at this late date. She accepted her grades under the policy for four years. Then, at the last moment before graduation,

she asks the Local Board to change the policy for her additional benefit. If she wanted the policy changed, she should have raised the issue when she entered the ninth grade.

The State Board of Education is of the opinion that the Local Board did not violate any law or policy in adopting the grading structure or in deciding not to change the policy for the Student's benefit. Accordingly, the Local Board's decision is SUSTAINED.

This 13th day of August 1998.

Dr. Bill Grow, Ms. Willou Smith, Ms. Palmira Braswell, Mr. J.T. Williams, Jr., and Mr. Philip Wilheit were not present.

Larry Thompson
Vice Chairman for Appeals