

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. B.,	:	
	:	
Appellant	:	
	:	
	:	CASE NO. 1998-40
	:	
vs.	:	
	:	
BIBB COUNTY	:	
BOARD OF EDUCATION	:	
	:	DECISION
Appellee	:	

This is an appeal by **A. B.** (Student) from a decision by the Bibb County Board of Education (Local Board) that she had to attend Saturday School or receive failing grades because of excessive absenteeism. The Student claims that the Local Board's absentee policy violates State policy. The Local Board's decision is reversed.

The Local Board's policy regarding absences provides that students will not receive credit for any course in which they have more than eight absences unless the student attends Saturday School. Students are also required to make up their class work within three or four days after returning to school from an excused absence. In the six classes she took during the second semester of the 1997-1998 school year, the Student was absent 7, 5, 11, 13, 10 and 14 days. Consequently, the Student was told that she had to attend Saturday School to receive other than a failing grade in four of her classes. The Student filed an appeal from this decision with the Local Board, which conducted a hearing on June 2, 1998.

The evidence before the Local Board shows that the Student was absent because of personal illnesses, doctor visits, and because she stayed home to transport her mother to a doctor since her mother could not drive. The Student's mother called the school concerning the Student's absences and talked with the school secretary about the Student being absent to provide her with transportation. The Student was permitted to make up all of her missed work and received passing grades in all of her classes, even though there were only three doctor slips in the Student's school file. There was also documentation concerning two other absences.

The assistant principal testified that a student has to make up work within three to five days after returning to school. After eight absences, a student has to attend Saturday School all day for each absence over eight if the principal approves. The students are not permitted to talk

while in Saturday School and the student do not receive any instruction. Attendance at the Saturday School does not have to immediately follow an absence.

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The Local Board's policy regarding absences provides:

Students shall be given a reasonable opportunity to make up work or tests when they have documented their absence from school within three (3) days of their return to school. Failure to make up work after a reasonable time will result in a grade of F.

Students in grades 9-12 will not receive credit for any course if they are absent from a course for more than eight (8) days in a semester.

Parents who are concerned about a student's failure of a course or failure to be promoted may request a conference with the principal or his/her designee. The principal may in his/her sole discretion allow a student to make up absences by attending Saturday School. The decision of the principal with regard to academic issues and whether a student passes is final.

Bibb County Student Discipline Code, 1997-98, pp. 2-3.

If a student misses more than eight days, the administration assigns the student a failing grade of 69 unless the student attends Saturday School to make up the absences. According to the assistant principal, a student who does not attend Saturday School will receive a failing grade regardless whether all the student's absences were excused and documented.

The State Board of Education policy regarding absences and excuses provides that local boards of education have to adopt policies excusing students under certain conditions.' The policy further provides:

(c) Absences shall not penalize student grades if the following conditions are met:

1. Absences are justified and validated for excusable reasons.
2. Make up work for excused absences was completed satisfactorily.

'The policy was adopted after the State Board of Education reversed local boards of education that failed students with excused absences although the students were able to

otherwise obtain passing grades. *See, Robert C. v. Marion Cnty. Bd of Educ.*, Case No. 1985-7 (Ga. SBE, Sep. 12, 1985); *Michael C. v. Clinch Cnty. Bd of Educ.*, Case No. 198 1-12 (Ga. SBE, Jul. 9, 1981).

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3. A grade average of 70 or above has been earned in the course work.

Department of Education Rules and Regulations 160-5-1-. 10.

The Student argues that the Local Board's policy, both on its face and as applied, violates the State Board of Education policy because it penalizes students who have excused absences by assigning them a failing grade if they have more than eight absences. In her case, the Student claims that (1) her absences were "justified and validated for excusable reasons", (2) she satisfactorily completed the make-up work, and (3) she had a course average of more than 70.

The Local Board argues that the Student validated excuses only for five absences. In addition, the Local Board argues that attendance at Saturday School is necessary to satisfactorily complete make-up work. Accordingly, the Local Board argues, the Student failed to meet two of the conditions established by the State Board of Education to avoid penalty.

Despite the Local Board's arguments, its absence policy violates the State Board of Education's absence policy by imposing an additional condition not contemplated by the State Board policy. Under the State Board policy, a students' grades shall not be penalized if (1) the absences are justified, (2) the make up work is completed satisfactorily, and (3) a student has attained a grade average of at least 70 in the course work. Even if a student meets the State Board of Education criteria, the Local Board's policy denies them credit unless the principal, in his or her sole discretion, permits the student to attend Saturday School. Thus, in addition to the three conditions established by the State Board of Education, the Local Board imposes the fourth condition that a student must also attend Saturday classes, but the ability to attend a Saturday School is discretionary with the principal. The Local Board's policy results in a student being penalized if the principal denies the student the ability to attend Saturday School even if the student has met all of the conditions established by the State Board of Education.

The Local Board argues that the Saturday classes are not an extra condition. Instead, the Local Board argues, the Saturday class constitutes make up work. Since it is make up work, a student has to complete it to fall within the State Board of Education policy. Despite the Local Board's valiant argument, the Saturday classes are not a part of the make up work. The Local Board argues that attending classes is an integral part of obtaining an education. Thus, imposing the requirement of attending Saturday School merely fosters a complete education. The evidence, however, shows that the students are not provided with any instruction, they are not allowed to interact with any other students, and Saturday classes are a condition imposed only for the classes in excess of eight absences. Thus, the "Saturday School as make up" requirement attaches for some absences, but not all absences. The policy, therefore, is inconsistent and not in keeping with the policy of the State Board of Education.

The record shows that the Student was permitted to make up her work in each of her classes. The Local Board's Student Behavior Code specifically provides that students have to satisfactorily document their absences within three days after they return to be eligible to make up their work or tests. Thus, in harmony with the Student Behavior Code, the Student's absences must be deemed to have been satisfactorily documented or she would not have been able to make up her class work and tests. The State Board of Education concludes that the Student satisfied the conditions established by its policy for obtaining a passing grade.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's policy regarding excused absences violates State Board of Education policy by imposing additional requirements. The Local Board's decision, therefore, is REVERSED.

Mr. J.T. Williams, Jr. was not present. The seat for the 2nd Congressional District is

This ___ day of November 1998.
vacant.

Larr'fThompson
Vice Chairman for Appeals

