

STATE BOARD OF EDUCATION

STATE OF GEORGIA

S. H.,

Appellant,

vs.

CASE NO. 2000-38

**CRAWFORD COUNTY
BOARD OF EDUCATION,**

DECISION

Appellee.

This is an appeal by S. H. (Student) from a decision by the Crawford County Board of Education (Local Board) to deny her credits because of excessive absences. The Student claims that the Local Board's policy regarding grades does not comply with the State Board of Education's policy. The Local Board's decision is sustained.

The Local Board has a policy that a student will not receive credit in a class if the student has more than five unexcused absences in the course during a semester. Local Board Policy JB. The State Board of Education policy provides that students cannot be academically penalized if they have documented excused absences, their work is made up satisfactorily, and they received a 70 or above grade average in the class. Georgia Education Regs. § 160-5-1-.10(2)(c).

In the instant case, the Student had more than five unexcused absences in four courses during the Spring semester of the 1998-1999 school year. In addition, the Student did not complete any makeup work for the days missed. Thus, under the Local Board's policy, the Student was ineligible to receive credit in the four courses and the State policy did not apply because the absences were unexcused.

Notwithstanding the Local Board's policy, the principal offered to give the Student credit for the Spring classes if the Student was not absent more than five days during the Fall semester of the 1999-2000 school year. The Student, however, was absent more than five days during the Fall semester. Consequently, the credit loss for the Spring semester remained in effect. When the Student appealed the denial of credits to the Local Board, the Local Board upheld the denial. The Student then filed an appeal with the State Board of Education.

On appeal to the State Board of Education, the Student raises two issues: (1) there were mistakes in the bookkeeping during the Fall semester of the 1998-1999 school year, and (2) some of the absences during the Fall semester of the 1999-2000 school year were excused.

There was no evidence presented during the hearing of any bookkeeping errors during the Fall semester of the 1998-1999 school year. Additionally, bookkeeping errors during the Fall

semester of the 1998-1999 school year are irrelevant to the denial of credits during the Spring semester of the 1998-1999 school year. The calculation of absences in each semester was independent of the absences in any other semester so that the absences during the Fall semester had no impact on the absences, or the denial of credits, during the Spring semester. The Student's first assignment of error, therefore, is wholly without merit.

The Student's second complaint was that some of the absences during the Fall semester of the 1999-2000 school year—the grace period established by the principal to reinstate the lost credits from the Spring semester of the 1998-1999 school year—were excused absences. The principal, however, testified that she had explained to the Student that the five-absence limit covered both excused and unexcused absences. The Local Board, as the finder of fact, chose to accept the principal's testimony. "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, 242 S.E.2d 374 (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). Since there was evidence that the five-absence limit covered both excused and unexcused absences, the State Board of Education is bound by that finding. Additionally, since the absences related to a reinstatement rather than the initial denial of credits, the State Board of Education's Regulation § 160-5-1-.10 does not apply.

In summary, the Student had an excessive number of unexcused absences, did not make up any work, and failed to comply with the terms of grace extended by the principal. Under these circumstances, the State Board of Education concludes that the credits were properly withheld.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not violate any State regulation in denying the Student credits for the classes in which he had excessive unexcused absences during the Spring semester of the 1998-1999 school year. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of September 2000.

Bruce Jackson
Vice Chairman for Appeals