

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>C. B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2002-41</b>
	:	
<b>COWETA COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by C. B. (Student) from a decision by the Coweta County Board of Education (Local Board) not to drop a failing grade in one of the Student's classes. The Student claims that she was sick and unable to attend class. The appeal is dismissed because the issues raised concern the internal management of the school system and not a case or controversy concerning the administration or interpretation of school law. Additionally, the Local Board did not hold a hearing.

During the 2000-2001 school year, the Student received a grade of "F" in her French II class.<sup>1</sup> She asked to have the grade deleted from her transcript and from the calculation of her grade point average. The Student claimed that the failing grade resulted from being late to a test that was given in the early morning before school started. The Student's teacher refused to change the grade and her principal refused to delete the grade. The Local Superintendent also refused to delete the grade. The Student then presented her request to the Local Board. The Local Board considered the Student's request without holding a hearing. The Local Board also refused to delete the grade. The Student then appealed to the State Board of Education.

The decisions of local boards of education can be appealed to the State Board of Education when the decisions are made by a local board sitting as a tribunal to decide an issue involving the interpretation or administration of school law. O.C.G.A. § 20-2-1160. In the instant case, a tribunal hearing was never held. In addition, the granting of grades is primarily an administrative matter that does not involve the interpretation or administration of school law. *See, Howell v. Bleckley Cnty. Bd. of Educ.*, Case No. 1988-41 (Ga. SBE, Dec. 8, 1988). In the absence of a tribunal hearing and a controversy involving the interpretation or administration of school law, the State Board of Education does not have jurisdiction to consider the appeal. *See, Boney v. County Bd. of Educ. of Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947).

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<sup>1</sup> The grade was received by the Student during her 11<sup>th</sup> grade year. She has now graduated from high school and is attending college.

Based upon the foregoing, it is the opinion of the State Board of Education that it lacks jurisdiction to consider the appeal. Accordingly, the appeal is hereby DISMISSED.

This \_\_\_\_\_ day of October 2003.

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Cathy Henson  
Chairperson, State Board of Education