

2 1981

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JOEL BILES and ANN BILES,	:	
	:	
Appellants,	:	CASE NO. 1981-15
	:	
vs.	:	REPORT OF HEARING OFFICER
	:	
RICHMOND COUNTY BOARD OF	:	
EDUCATION,	:	
	:	
Appellee	:	

PART I

SUMMARY OF APPEAL

Drs. Joel and Ann Biles (hereinafter "Appellants") have appealed from a decision of the Richmond County Board of Education (hereinafter "Local Board") which denied admittance of their daughter into the kindergarten program in January, 1981. Appellants appealed on the ground the Local Board abused its discretion in not admitting their daughter. The Hearing Officer recommends that the appeal be dismissed because the issue is moot.

PART II

FINDINGS OF FACT

In July, 1980, Appellants attempted to enroll their daughter in a special "magnet" kindergarten program. The Richmond County School System (hereinafter "Local System")

admitted a limited number of students into the "magnet" program and admittance was determined by drawing names from among those who had applied. At the time Appellants attempted to enroll their daughter, the drawing had been held and the school rolls had been completed. Appellants were notified there was no room in the program. Appellants did not make any further attempts to enroll their daughter in the "magnet" program and did not attempt to enroll their daughter in the regular kindergarten program.

In January, 1981, Appellants learned there were some vacancies in the "magnet" program. The record is in conflict on whether the Local System gave notice to the general public about the vacancies, but it is clear that vacancies did exist and notice had been sent to the parents of children already enrolled in the kindergarten program that they could transfer their children into the "magnet" program if they qualified. When Appellants learned of the vacancies, they attempted to enroll their daughter in the program once again. They were invited to visit the school and to complete application forms. Appellants' daughter was permitted to sit in one of the classrooms during the day, and she was able to function without any problems. When the principal of the "magnet" school began processing Appellants' application, he learned there was an administrative policy which prohibited enrollment of students in the kindergarten

program after October 1. The principal notified Appellants of this fact and they appealed to the Local Board.

The Local Board met and heard from Appellants and representatives of the Local System on February 12, 1981. Evidence was presented that the Local Board did not have a policy regarding deadlines for admittance into kindergarten. The policy was administrative and was based on the Local Board policy that children were not admitted into the first grade after the October 1 deadline. There was testimony that the policy was sound because of adjustment problems a child could have by coming into a program during mid-year, and because of the need to avoid the disruptive effect created by the need of the teacher to take time to orient the new student. Following the presentation of the evidence, the Local Board voted on whether to admit Appellants' daughter into the program. The motion to admit failed to carry. Appellants filed their appeal to the State Board of Education on March 4, 1981.

PART III

CONCLUSIONS OF LAW

The Local Board contends that the appeal is now moot because the school year has ended and the child cannot now be admitted into the program. The only request made by

Appellants was reversal of the Local Board decision denying their daughter admittance into the kindergarten program. They contend the Local Board did not understand the facts at the time the decision was made.

The record shows that Appellants had a hearing before the Local Board and were given an opportunity to present evidence. The members of the Local Board also asked questions. There is no evidence in the record which indicates that Appellants were denied either substantive or procedural due process when the Local Board made its decision. Appellants were also not denied equal protection because the evidence does not show that any other children in the same class as their daughter, that is, children who were not already admitted to kindergarten, were permitted to enroll in the "magnet" program.

The record does not show that the Local Board abused its discretion when it decided not to admit Appellants' daughter. There was uncontradicted evidence that mid-year admittance was not beneficial. Appellants' daughter had not been in an approved program of instruction, and regardless of her abilities and the quality of the instruction she had received, the Local Board would have been required to make an exception to the administrative policy, which the evidence supported as a reasonable policy.


The only relief sought by Appellants' was admit-

tance of their daughter into the "magnet" kindergarten program during the 1980-1981 school year. The child will be eligible for the first grade during the 1981-1982 school year. The issue of whether the Local Board should have admitted the child into the "magnet" program is, therefore, moot because the school year has ended. The State Board of Education is limited in its jurisdiction in considering an appeal from the decision of a local board of education. If reversal of the local board decision would not effect any relief for the person aggrieved by the local board decision, then the State Board of Education will not reverse the decision and will dismiss the appeal because the issues are moot. In the instant case, the relief sought cannot be granted. The Hearing Officer, therefore, concludes that the issues raised are moot.

PART IV

RECOMMENDATION

Based upon the foregoing findings and conclusions, the record submitted, and the briefs and arguments presented, the Hearing Officer is of the opinion the issues raised on appeal are moot. The Hearing Officer, therefore, recommends that the appeal be dismissed.



L.O. Buckland