

STATE BOARD OF EDUCATION

STATE OF GEORGIA

RONNIE AND DEBBIE DUFFEY)

Appellant,)

v.)

CASE NO. 1983-38

HENRY COUNTY BOARD OF EDUCATION)

Appellee.)

O R D E R

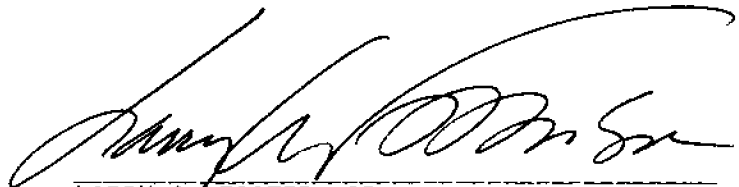
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Henry County Board of Education herein appealed from is hereby sustained.

Mr. Temples and Mr. Lathem were not present.

This 9th day of February, 1984.



LARRY A. FOSTER, SR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

RONNIE AND DEBBIE DUFFEY,)	
)	
Appellants,)	CASE NO. 1983-38
)	
v.)	
)	
HENRY COUNTY BOARD OF EDUCATION,)	
)	
Appellee.)	REPORT OF HEARING OFFICER

This is an appeal by Ronnie and Debbie Duffey (hereinafter "Appellants") from a decision by the Henry County Board of Education (hereinafter "Local Board") which denied them permission to permit their first grade daughter to attend a school outside her attendance zone. The appeal was made on the basis the Local Board did not give individual attention to the hardship situation presented. The Hearing Officer recommends that the decision of the Local Board be sustained.

Appellants live in the Locust Grove attendance area. Both of them work and are unable to be home when the school bus would drop their daughter off at home. Appellants requested the Local Board to permit their daughter to attend school in another attendance zone at McDonough Primary School because the bus from the McDonough Primary School would stop in front of the child's

grandparents' home where the child could remain until Appellants finished work. The Local Board has a policy which does not permit the crossing of attendance zones except in cases of hardship, and Appellants claimed that their situation was one of hardship because both of them have to work.

Appellants' petition was presented to the Local Board and they were given an opportunity to present their request directly to the Local Board with the assistance of counsel. When they completed their presentation, the Local Board voted against permitting the child to cross attendance zones. The decision was made on September 12, 1983, and a timely appeal was made to the State Board of Education.

Local boards of education are vested with the power, authority, and responsibility of operating the schools within their control. Their decisions made in conjunction with the exercise of their responsibility will not be reversed by the State Board of Education unless there is a showing of such an abuse of authority that the decision amounts to a violation of law.

In the instant case, Appellants claim the Local Board abused its authority because their situation was not individually considered and the Local Board automatically approved the recommendation of the Local Superintendent. The Local Board, however, heard Appellants' request and considered it individually. A policy exists which does not permit the crossing of attendance areas except in cases of hardship. The record

determining that Appellants' situation was one of hardship such that their child should be permitted, as a matter of law, to cross attendance areas. As the Local Board points out, there are many couples today who are in the same circumstance as Appellants, i.e., both parents working or a single parent working, so that the situation is not unusual or of such hardship that the policy should be disregarded.

Based upon the foregoing, the record, and the briefs submitted, the Hearing Officer is of the opinion that the Local Board did not abuse its discretion by denying Appellants' request to cross attendance zones. The Hearing Officer, therefore, recommends that the decision of the Local Board be sustained.



L. O. BUCKLAND
Hearing Officer

LAW OFFICES
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L. O. BUCKLAND
BRUCE L. WHITMER

January 27, 1984

404/231-3000

Dr. Charles McDaniel
State Superintendent of Schools
Department of Education
Twin Towers East
Atlanta, Georgia 30334

Re: Case No. 1983-38; Duffey v. Henry County

Dear Dr. McDaniel:

Enclosed is the original of my recommendation in the above case. Please send copies to each of the members of the State Board of Education so they may review it for the next meeting.

Sincerely yours,

L. O. Buckland
L. O. Buckland

jr
Enclosure