

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MURRAY PARKS, BOB W. DORMAN, :
and CITIZENS FOR COMMUNITY :
SCHOOLS OF MERIWETHER COUNTY, : **CASE NO. 1987-1**
: :
Appellants, : :
v. : :
MERIWETHER COUNTY BOARD : **DECISION**
: :
OF EDUCATION, : :
: :
Appellee. : :

PART I

SUMMARY

This is an appeal by Murray Parks, Bob W. Dorman, and Citizens for Community Schools of Meriwether County (hereinafter “Appellants”) from a decision of the Meriwether County Board of Education (hereinafter “Local Board”) to deny Appellants’ motion to reconsider the Local Board’s decision to consolidate the three high schools in their county into one, centrally located, high school. Appellants contend on appeal that the Local Board grossly abused its discretion in making the decision to consolidate and in refusing to reconsider that decision. The Local Board contends it exercised sound discretion in reaching the contested decision.

PART II

FACTUAL BACKGROUND

The Local Board operates three schools, Manchester High School, Greenville High School, and Woodbury High School, which serve students in grades nine through twelve. The three schools together serve less than one thousand three hundred (1300) students in grades nine through twelve. As early as 1981, the Local Board began consideration of the question of consolidating the high schools into one or two high schools instead of three. From 1981 until the final decision to consolidate into one high school in 1986, the Local Board visited other consolidated schools, discussed facilities plans with State

Department of Education personnel, held public hearings regarding the question of whether to consolidate the high schools in the county, and held numerous board meetings in which the topic was discussed. The Local Board reached a final decision, on October 21, 1986, to consolidate all high schools into one centrally located setting in the City of Greenville, in Meriwether County.

On November 18, 1986, Appellants filed a motion requesting the Local Board to reconsider its decision. The Local Board met and heard arguments from numerous citizens who opposed the decision. Additionally, at the hearing, the Local School Superintendent entered into the record evidence showing the process the Local Board went through in reaching its decision. The Local Board then voted on December 12, 1986, to deny the motion for reconsideration, effectively affirming its decision to consolidate the three existing high schools into one high school.

Appellants filed this appeal January 8, 1987. They contend the Local Board grossly abused its discretion for the following reasons:

1. The decision to consolidate does not represent the most economical use of existing school resources.
2. The tax burden of the people of Meriwether County will be increased.
3. The busing of students will be inconvenient and there will be a greater risk of accidents.
4. The economic growth of the entire County and the City of Manchester will be adversely affected.
5. The quality of education will be lowered.

PART III

DISCUSSION

The State Board of Education is authorized to hear appeals from decisions made by local boards on matters of local controversy involving the construction or administration of the school laws. O.C.G.A. §20-20-1160. As was stated by the Supreme Court of Georgia in the recent case of Dalton City Bd. of Ed. v. Smith, 256 Ga. 394, 395 (1986), “the party seeking a hearing [before the local Board] must establish

that the subject of the hearing will be a ‘matter of local controversy in reference to the construction or administration of the school law.’”

It is clear, in light of Smith, that O.C.G.A. §20-2-1160 applies only to controversies regarding legal issues and not to matters involving only policy or administrative decisions. In Smith, the Supreme Court stated that, “[n]ormally, the decision to rehire or release a ‘non-tenured’ employee lies more in the realm of school policy than in the area of school law.” 256 Ga. at 395. The Court pointed out that the Appellees in that case had not shown any facts which would remove the matter from the realm of policy into the realm of law.

As in Smith, Appellants in the instant case have failed to show facts which would remove the decision of the Local Board from the realm of policy or administrative decision making into the realm of law. Appellants argue that the facts show that the Local Board’s decision does not represent the most economical use of existing school resources, will increase the tax burden of the citizens, will increase the bussing of students and accidents related thereto, will create economic adversity, and will lower the quality of education. Even if one accepts that the facts support Appellants’ contentions, such facts would not take the decision from the realm of an administrative or policy decision into the realm of a decision on a matter of school law. Thus, Appellants have failed to show that the appeal is available under O.C.G.A. §20-2-1160. The State Board of Education, therefore, lacks jurisdiction to hear the appeal.

Even if the State Board of Education had jurisdiction to decide the case, it is clear that ample evidence exists to support the decision of the Local Board. The record is replete with evidence that the decision was one which resulted from a great deal of study and input. Closing schools is perhaps one of the most difficult tasks faced by a local board. As is clear from the record in this case, citizens have strong emotional involvement with the schools. Local Board members, by virtue of their positions, must face up to such decisions from time to time, knowing the decisions may not be popular, and indeed, such decisions may not be perfect. However, it is apparent in this case, that the Local Board members exercised their judgment to the best of their ability in spite of the controversy surrounding consolidation.

PART IV

DECISION

Based upon the foregoing discussion, the record presented, and the briefs of counsel, the State Board of Education concludes that Appellants have failed to show that the matter in controversy involves a matter of school law. The State Board, therefore, lacks jurisdiction to decide the appeal. The appeal is, therefore,

DISMISSED.

Larry A. Foster, Sr.
Vice Chairman for Appeals

