

STATE BOARD OF EDUCATION

STATE OF GEORGIA

HEIDI N. , :
 :
 Appellant, : CASE NO. 1987-44
 :
 v. :
 :
 MUSCOGEE COUNTY BOARD : DECISION
 :
 OF EDUCATION, :
 :
 Appellee. :

PART I

SUMMARY

This is an appeal from a decision by the Muscogee County Board of Education (“Local Board”) that the questions raised by Heidi N. (“Appellant”), a student, concerning the inclusion of a test result in her final grade point average was not a local controversy involving the interpretation and administration of school law. The Local Board also reaffirmed its administrators’ decision to include the test result in Appellant’s final grade point average. The State Board of Education affirms the Local Board’s decision to include the test result in Appellant’s final grade point average.

PART II

FACTS

Appellant was scheduled to take a comprehensive advanced algebra-trigonometry college preparatory examination on Friday, May 22, 1987. With school permission, however, she participated in a choral trip to Florida. Students who missed the examination on Friday were given an opportunity to take a make-up examination on Monday, May 25, 1987. The students were informed that the make-up examination would be more difficult

than the original examination. Appellant received a “D” grade on the make-up examination and a final “B” grade for the course.

Appellant appealed her grade and contended that the make-up examination was improperly prepared, was given under adverse circumstances, and resulted in her being penalized for attending a school-approved function. As a result, Appellant asked that the grade be dropped. The Local Board’s Curriculum Committee reviewed Appellant’s claims and decided that the make-up examination was proper and that the examination grade should be included in determining Appellant’s final average for the year. Appellant then appealed to the Local Board.

The Local Board conducted a hearing on October 27, 1987, to determine if the matter was one of local controversy and whether the grade should stand. Testimony was received from the administrators concerning how the examination was constructed, how the grades were determined, the effects of the examination on the overall grades of the students, the testing conditions, and the effects upon Appellant’s grade. There was testimony that, during the administration of the test, there was some disturbance in the halls while classes were being changed, but the final examination grades were adjusted to take any possible effects of the disturbance into account. At the conclusion of the hearing, the Local Board decided that the matter was not one of local controversy involving the interpretation of school law, and that the examination grade should stand in determining Appellant’s final average.

A timely appeal was made to the State Board of Education, but a dispute developed regarding payment of the transcript. The hearing at the State level was delayed, and then waived by the parties.

PART III

DISCUSSION

Appellant maintains that the make up examination was flawed, served as punishment for attending a valid school function, and was improperly administered. The Local Board argues that the evidence does not support Appellant's contentions. Additionally, the Local Board maintains the appeal should be dismissed because it is not a matter of local controversy involving the interpretation or administration of school laws. See, Dalton City Bd. of Educ. v. Smith, 256 Ga. 394, 349 S.E.2d 458 (1986); O.C.G.A. § 20-2-1160.

O.C.G.A. § 20-2-1160 provides that an appeal can be made to the State Board of Education when a local board of education conducts a hearing and makes a decision concerning "any matter of local controversy in reference to the construction or administration of school law" O.C.G.A. § 20-2-1160(a). In the instant case, the Local Board conducted a hearing and made a decision concerning Appellant's grades. By conducting a hearing and receiving evidence, the Local Board acted in a quasi-judicial capacity. Its decision, therefore, was appealable to the State Board of Education.

The administration and management of local school systems is vested in the local boards of education. See, Boney v. County Bd. of Educ. of Telfair, 203 Ga. 152 (1947); Ga. Const. art. 8, § 5, ¶¶ I, II (1983). The State Board of Education cannot interfere with the decisions of a local board in the absence of some showing of a violation of law or of a gross abuse of discretion that amounts to a violation of law. Boney, id.

There has been no showing that the decision of the Local Board was either unlawful or a gross abuse of discretion. The make-up examination was prepared in the same manner as the original examination. Despite Appellant's assertions to the contrary, there was evidence the make-up examination was no more difficult than the original examination, even though the students were informed that if they missed the original examination they could expect the make-

up examination to be more difficult. Appellant also maintains the make-up examination was punitive, but a makeup examination is not a punitive measure, especially where the students were aware of the examination date and voluntarily assumed the responsibility of taking the make-up examination. There also is no requirement that a local board use examinations that have been statistically validated before use. The only evidence presented that there were interruptions during the make-up examination was some noise that occurred during changes of classes. The final test scores on the make-up examination were adjusted to account for the possibility the interruptions had an effect upon the results. It does not appear that the action taken by the Local Board was either illegal or amounted to a gross abuse of discretion.

PART IV

DECISION

Based upon the foregoing, it is the opinion of the State Board of Education that the decision of the Local Board to use the results of the make-up examination in the determination of Appellant's final grade was a lawful exercise of its discretionary authority and did not amount to an abuse of discretion. The decision of the Local Board, therefore, is SUSTAINED.

This 12th day of May, 1988.

JOHN M. TAYLOR
Vice Chairman for Appeals