

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MARCIA HOWELL,	:	
	:	
Appellant,	:	
	:	CASE NO. 1988-41
v.	:	
	:	DECISION
BLECKLEY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

PART I

SUMMARY

This is an appeal by Marcia Howell (“Appellant”) from a decision by the Bleckley County Board of Education (“Local Board”) to add ten points to the grade of each student in Appellant’s economics course. Appellant maintains that the Local Board acted arbitrarily and capriciously. The appeal is dismissed because it does not present a case or controversy involving the interpretation of school law.

PART II

FACTUAL BACKGROUND

At the end of the 1987-1988 school year, Appellant gave a failing grade to 52% of her high school economics class. Shortly thereafter, the Local Board received numerous complaints from the students’ parents. At its regular meeting on June 9, 1988, the Local Board considered the failure rate and decided that it was excessive. The Local Board then directed Appellant to add ten points to all of the grades. In addition, the Local Board directed the local superintendent to present them with a state-approved policy regarding Economics.

Appellant filed a motion for reconsideration with the Local Board. On June 20, 1988, the Local Board denied Appellant's motion after Appellant was given an opportunity to present her arguments against changing the grades.

Appellant then filed an appeal to the State Board of Education.

PART III

DISCUSSION

Appellant maintains that the Local Board's decision was arbitrary and capricious because the Local Board only considered the complaints made by the students' parents. Appellant also maintains that the decision involves the interpretation of school law because the Quality Basic Education Act, O.C.G.A. § 20-2-130 et seq., recognizes a need to ensure that each student has access to a quality program. The Local Board argues that its decision is not appealable because it was not a decision about a case or controversy involving the interpretation of school law. We agree with the Local Board.

O.C.G.A. § 20-2-1160(a) provides that a local board of education can act as a tribunal for deciding "any matter of local controversy in reference to the construction or administration of the school law" Local boards of education are charged with the responsibility of managing and controlling the school systems within their jurisdiction. Ga. Const. art. 8, § 5, ¶ II (1983).

There are no state laws or regulations governing the granting of grades to students. As part of the responsibility of managing and controlling the school systems within their jurisdiction, local boards of education determine how grades are to be given to students as part of the administrative process.

Under the facts presented in the instant case, there is no case or controversy involving the construction or administration of school law. The Local Board made an administrative decision,

rather than a quasi-judicial decision, to increase the grades of the students in the economics class. Notwithstanding Appellant's arguments that the decision was arbitrary and capricious because it was made based only upon the complaints of parents, it is not a decision that is appealable under the provisions of O.C.G.A. § 20-2-1160. The State Board of Education, therefore, does not have jurisdiction to hear an appeal.

PART IV

DECISION

Based upon the foregoing, the record presented, and the briefs and arguments of counsel, the State Board of Education is of the opinion that the Local Board's decision to increase the grades of an economics class by ten points does not represent a case or controversy involving the construction or administration of school law. The appeal, therefore, is

DISMISSED

This 8th day of December, 1988.

John M. Taylor
Vice Chairman For Appeals

