

STATE BOARD OF EDUCATION
STATE OF GEORGIA

JASON R. M.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1995-34
vs.	:	
	:	DECISION
CARTERSVILLE CITY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Jason R. M. (Student) from a decision by the Cartersville City Board of Education (Local Board) to uphold the decision of the Local Superintendent not to grant him a graduation certificate from Cartersville High School because he was not enrolled in the school at the time. The Student claims that the Local Board denied him equal protection of the law and due process, and its decision is arbitrary and capricious and contrary to law. The Local Board's decision is sustained.

This case comes down to the simple question of whether a school system is required to issue a diploma to a former student who was not enrolled in the school system at the time of graduation. We conclude that the answer is, "No."

The Student enrolled in the Cartersville School System when he was in the fourth grade, even though he had to pay tuition because he lived outside the city. He attended continuously until he was suspended during the last semester of his junior year in 1992. Since then, the Student has not attended Cartersville High School. At the beginning of the second semester of the 1992-1993 school year, the Student started to enroll in Cartersville High School, but he learned that Cartersville High School did not offer certain electives that he wanted. He, therefore, decided to enroll in the Bartow County Success School in January, 1993. The Success School was a new concept established by the Bartow County School System that permitted nonconventional students to earn a degree by taking classes during the evening as well as during the day. Sometime during May, 1993, the Student saw the principal of Cartersville High School in a local store and mentioned that he wanted to graduate from Cartersville High School. The Student's mother also contacted the Local Superintendent and asked about obtaining a cap and gown for the Student to graduate from Cartersville High School. The Local Superintendent told the Student's parents that the Student could not graduate from Cartersville High School because he was not enrolled, that the Success School would not permit him to enroll at Cartersville High School, and he had not made any prior arrangements to attend another school with the goal of graduating from Cartersville High School. The Local Superintendent also told the Student's parents that the Student would have to graduate from the Success School. The Local Superintendent did not inform the Student's parents how the Student could transfer credits or re-enroll in Cartersville High School.

At the time of his request, the Student was taking ten courses at the Success School. If he enrolled in Cartersville High School, the Student would not have been able to take ten courses. This situation led the Local Superintendent to believe that the Student could not transfer into Cartersville High School during the term and transfer all of his credits from the Success School.

Following the Local Superintendent's conversations with the Student's parents, the Student did not take any action to enroll in Cartersville High School. At the end of the school year, the Student was offered a diploma from the Success School, but he declined to accept it. Instead, some time after the 1993 class graduated, the Student asked for a diploma from Cartersville High School. The Local superintendent denied the request. After a long series of negotiations among the Student, the Student's attorney, the Local Superintendent, and the attorney for the Local School System, the Local Board agreed to conduct a hearing concerning the Local Superintendent's decision. The Local Board held the hearing on April 26, 1995. Following the hearing, the Local Board upheld the Local Superintendent's decision not to grant the Student a diploma. This appeal to the State Board of Education followed.

The Student claims on appeal that the Local Superintendent's decision not to let him re-enroll in Cartersville High School was arbitrary and capricious, based on erroneous information, and contrary to established policies. The record, however, shows that the Local Superintendent did not prevent the Student from re-enrolling in Cartersville High School, but only informed him that he could not graduate from Cartersville High School. The Local Superintendent made his decision based upon the fact that the Student was not enrolled in Cartersville High School at the time of his request, and upon his understanding that the Student could not transfer out of the Success School during the term. Even if the Local Superintendent's information was incorrect, his decision, based upon that information, was not arbitrary or capricious; since the Student was not enrolled at Cartersville High School, he could not receive a diploma from Cartersville High School.

The Student did not make any further attempts or inquiries about enrolling at Cartersville High School. Nevertheless, the Student now argues, without citing any statutory or case authority, that his request to graduate was sufficient to place a burden upon the Local Superintendent and the Local School System to make the necessary effort to enroll him in Cartersville High School, obtain the transfer of his credits from the Success School, and grant him a diploma from Cartersville High School. The State Board of Education, however, concludes that mere knowledge of a non-student's desire to graduate from a high school does not impose any burden upon a local superintendent or a local school system to take any action to obtain the student's enrollment and subsequent graduation.

The Student claims that the Local Superintendent's action denied him equal protection because other students have been permitted to enroll at Cartersville High School at the end of the school year and graduate from Cartersville High School. The record, however, shows that the students who were given a diploma had taken all of the necessary steps to enroll and obtain the transfer of their credits from their previous high school. In this case, the Student never enrolled in Cartersville High School and did not make any attempt to re-enroll. The Local Board's decision not to grant him a diploma, therefore, does not deny him equal protection.

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board's decision was not arbitrary or capricious, did not violate any state or local policies, and did not deny the Student any constitutional rights. Accordingly, the Local Board's decision is SUSTAINED

This 10th day of August, 1995.

Messrs. Sessoms, Teasley and Williams were not present. The seat for the Tenth District is vacant.

Robert M. Brinson
Vice Chairman for Appeals