

STATE BOARD OF EDUCATION

STATE OF GEORGIA

E. A. C.,

Appellant,

vs.

CASE NO. 1999-62

**COWETA COUNTY
BOARD OF EDUCATION,**

DECISION

Appellee.

This is an appeal by E. A. C. ("Student") from a decision by the Coweta County Board of Education ("Local Board") not to permit her to enroll in an out-of-district kindergarten school. The Student claims the Local Board made its decision without her presence, the decision is racially discriminatory, and it denies her an appropriate educational environment. Additionally, the Student claims the Local Board failed to allow her "grandfather" privileges provided by the Local Board's policy. The Local Board's decision is sustained.

Before the Student entered kindergarten, the Student's parents asked the Local Superintendent to allow them to enroll her in a school outside her neighborhood school district because they felt the neighborhood school was inferior to other kindergarten schools within the school system. The Local Superintendent denied the transfer because the Student failed to qualify under the Local Board's policy governing transfers. The Student's parents hired an attorney, who wrote and asked for reconsideration. Written notice was sent to the attorney that a hearing would be held by the Local Board on September 20, 1999 to consider the issue. On September 20, 1999, neither the Student's parents nor their attorney appeared before the Local Board and the Local Board affirmed the Local Superintendent's decision. The Student then filed a timely appeal with the State Board of Education.

The first issue raised on appeal is that the Local Board made a decision without the Student being present. This issue fails because the Student's parents and attorney were properly notified of the hearing date but failed to appear or ask for a continuance. The State Board of Education, therefore, concludes that the Local Board did not act improperly in making its decision.

The next issue raised by the Student is that the decision is racially discriminatory. The record does not contain any evidence of discrimination and the Student's assertion that there is a minority-to-majority program does not establish any discrimination. The State Board of Education, therefore, concludes that there is no basis for the Student's claim of discrimination.

The next issue raised by the Student is that she is being denied an appropriate public edu-

cation under P.L. 94-142. The record does not

contain any evidence that the Student is handi1

capped or in any way qualifies under the provisions of the Individuals With Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* ("IDEA"), which replaced P.L. 94-142 several years ago. Additionally, the State Board of Education is not the proper forum to consider questions arising under the provisions of IDEA. The State Board of Education, therefore, concludes that there is no basis for the Student's claim that she is being denied an appropriate public education under the provisions of IDEA.

The final issue raised by the Student is that the Local Board's decision denies her the opportunity to be "grandfathered." The Student does not point out a "grandfathering" provision, nor does she show how she qualifies for any "grandfathering" provision. The State Board of Education, therefore, concludes that the Student's argument that the Local Board's decision denied her an opportunity to be "grandfathered" is baseless.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board had the authority to make its decision and each of the Student's issues is groundless. The Local Board's decision, therefore, is
SUSTAINED.

This 23rd day of February 2000.

Bruce Jackson
Vice Chairman for Appeals