

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JONATHAN PURSER,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1979-15
	:	
GILMER COUNTY BOARD OF	:	
EDUCATION,	:	
	:	
Appellee.	:	

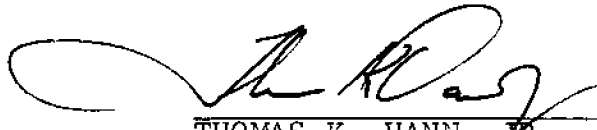
O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Gilmer County Board of Education herein appealed from is hereby affirmed.

This 11th day of October, 1979.



THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION
STATE OF GEORGIA

JONATHAN PURSER,	:	CASE NO. 1979-15
	:	
Appellant,	:	
	:	
vs.	:	
	:	
GILMER COUNTY BOARD OF	:	REPORT OF
EDUCATION,	:	HEARING OFFICER
	:	
Appellee.	:	

PART I

SUMMARY OF APPEAL

Jonathan Purser (hereinafter "Appellant") has appealed from a decision by the Gilmer County Board of Education (hereinafter "Local Board") to suspend him from school for two days for lighting a firecracker on a school bus. The Hearing Officer recommends that the decision of the Local Board be upheld.

PART II

FINDINGS OF FACT

The record shows that Appellant lit a firecracker on a school bus upon the dare of another student who supplied the firecracker. He stepped on the firecracker before it exploded and no injuries were sustained by

anyone. The bus driver could not determine who had the firecracker and was going to impose group punishment. Appellant then stepped forward and admitted he had lit the firecracker.

The Local Board had a policy of imposing a three-day suspension on anyone caught with firecrackers. A hearing was conducted by the Local Board, and Appellant was suspended the last two days of the school year. As a result, his perfect attendance record was destroyed and he missed some year-end tests.

PART III

CONCLUSIONS OF LAW

Appellant has appealed to the State Board of Education on the grounds the Local Board should have administered some alternate form of punishment rather than depriving him of his perfect attendance record and honor student status. The appeal does not point out any errors of law or raise any questions concerning the evidence.¹

¹The Local Board did not raise the issue of mootness. To the extent Appellant has already been suspended from school for two days, any questions regarding Appellant's balance from school are now moot. The only questions open for discussion are whether alternate forms of discipline should have been imposed and thereby causing some changes to be made in Appellant's records.

Although the State Board of Education might have decided on a different form of discipline if faced with the same situation and was charged with making the initial determination, the State Board of Education is bound to respect the decision of the Local Board in this matter. The control of the local schools is vested in the local board of education. See, Boney v. County Board of Education of Telfair County, 203 Ga. 152, 45 S.E.2d (1947). The State Board of Education, therefore, cannot substitute its views for the views of the local board of education. If there is any evidence to support the decision of the local board, then the decision of the local board of education controls unless some error of law has occurred. The Hearing Officer concludes that there were no errors of law in this matter and the decision of the Local Board is consistent with its policies.

PART IV

RECOMMENDATION

Based upon the foregoing findings and conclusions, the record submitted and Appellant's brief, the Hearing Officer is of the opinion that the decision to suspend Appellant for two days was within the power and authority of the Local Board. The Hearing Officer, therefore, recommends that the decision of the Gilmer

County Board of Education to suspend Appellant be sustained.



L. O. BUCKLAND
Hearing Officer