

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JEFF F., :
Appellant, :
v. : CASE NO. 1982-12
HABERSHAM COUNTY BOARD :
OF EDUCATION, :
Appellee. :

O R D E R

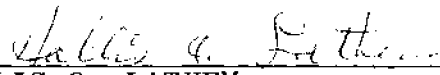
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

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 Habersham County Board of Education herein appealed from is hereby sustained.

Mr. Vann and Mrs. Oberdorfer were not present.

This 11th day of November, 1982.



HOLLIS Q. LATHEM
Acting Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JEFF F.	:	
	:	CASE NO. 1982-12
Appellant,	:	
	:	REPORT OF
v.	:	HEARING OFFICER
	:	
HABERSHAM COUNTY BOARD	:	
OF EDUCATION,	:	
Appellee.	:	

PART I

SUMMARY OF APPEAL

This is an appeal by Jeff F. (hereinafter "Appellant") from a decision by the Habersham County Board of Education (hereinafter "Local Board") which upheld the decision of the Habersham County School System to suspend Appellant to an alternative class for smoking in the school restroom in violation of school policies. The appeal is based on Appellant's contention that the alternative classroom is an inappropriate discipline measure. The Hearing Officer recommends that the decision of the Local Board be upheld.

PART II

FINDINGS OF FACT AND CONCLUSIONS

The undisputed evidence shows that on April 17, 1982, the assistant principal of the Habersham County High School discovered Appellant in the restroom smoking a cigarette. At the time of the incident, the Local Board had a policy in

effect which prohibited smoking in the school building and on the school campus during the regularly scheduled school day except in a specified area. The policy provided that "violators will be subject to maximum disciplinary action." In addition, the policies of the school system provided that smoking violators would be suspended to the alternative class.

Students assigned to the alternative class were required to follow the rules of the alternative class. These rules were available to and given to the students at the beginning of each school year. Some of the typical rules included: no eating or chewing of gum in the classroom; restroom use "may be" monitored; talking in class was not permitted without permission, and students in the alternative class were to eat lunch at a separate time from other students in the school.

After he was discovered smoking, Appellant was told that he was to be suspended to the alternative classroom for three days. Appellant's father objected to the alternative classroom suspension and requested a hearing when he was notified of the disciplinary action that was to be taken. A hearing before a school system hearing officer decided that Appellant should serve the three day suspension in the alternative classroom. Appellant's father then requested and was granted a hearing before the Local Board. The Local Board agreed that Appellant should serve the three day suspension. It is from this decision that Appellant appealed to the State Board of Education.

Local boards of education are charged with the responsibility of managing the affairs of the local school systems. Unless there has been some violation of law or gross abuse of discretion by a local board of education, the courts and the State Board of Education will not interfere with the decision of the local boards. See, Berrie v. State, 119 Ga. App. 148 (1969); Braceley v. Burke Cnty Bd of Ed., Case No. 1978-7. In the instant case, Appellant was given notice and a hearing; the discipline imposed is authorized, and there does not appear to be any abuse of discretion on the part of the Local Board. The Hearing Officer, therefore, concludes that the decision of the Local Board is supported by the evidence and the law.

PART III

RECOMMENDATION

Based upon the foregoing findings and conclusions, the record submitted, and the correspondence from the parties, the Hearing Officer is of the opinion that the decision of the Local Board was not arbitrary and capricious, was authorized by law, and was supported by the rules and regulations adopted by the Local Board. The Hearing Officer, therefore, recommends that the decision of the Local Board be sustained.



L. O. BUCKLAND
Hearing Officer