

STATE BOARD OF EDUCATION

STATE OF GEORGIA

LARUE M., :  
Appellant, :  
v. : CASE NO. 1982-23  
RABUN 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 Rabun County Board of Education herein appealed from is hereby sustained.

Mr. Temples and Mrs. Huseman were not present.

This 13th day of January, 1983.

  
LARRY A. FOSTER, SR.  
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: LARUE M.,	:	
	:	
Appellant,	:	CASE NO. 1982-23
	:	
vs.	:	
	:	
RABUN COUNTY BOARD	:	REPORT OF
OF EDUCATION,	:	HEARING OFFICER
	:	
	:	
Appellee.	:	

This is an appeal by the parent of Larue M. (hereinafter "Student") from a decision by the Rabun County Board of Education (hereinafter "Local Board") which upheld the Student's suspension for nine (9) days which had been imposed by a principal because the Student was carrying a concealed razor blade in his wallet. The appeal is based upon the parent's contention that the Student was treated unfairly. The Hearing Officer recommends that the decision of the Local Board be sustained.

During September, 1982, the Student's principal received a complaint from a parent that the Student had threatened her daughter while riding on the school bus. The principal did not take immediate action, but waited until the next day and asked the Student to come to his office. At that time, the principal asked the Student to empty his pockets. The principal then shook a utility razor blade from the Student's wallet. Upon discovering the razor blade, the principal notified the Student and the Student's parent that he was imposing a nine (9) day suspension.

The suspension was imposed for carrying the concealed razor blade rather than for the alleged threat made by the Student. The Local Board had adopted a policy which prohibited carrying such instruments to school. The Student's parent filed a grievance procedure with the principal. The grievance was reviewed by the principal and by the Local Superintendent and then referred to the Local Board when the principal and the Superintendent decided that the nine (9) day suspension should remain in effect.

A hearing was held before the Local Board on October 5, 1982. The Student's parent's primary complaint was that the Student was being discriminated against because another student had appeared in school wearing a knife on his belt, but the other student had not been suspended from school. The Local Board heard testimony from the principal and from the Student's father and decided that the disciplinary action should stand. The Student's father appealed to the State Board of Education on November 1, 1982, on the grounds that the Student was denied his rights to be treated equally regardless of race, religion or national origin.

The control and administration of local schools is left with the local boards of education. In matters concerning student discipline, a local board of education must abide by certain standards of due process, including the granting to a student of the right to be heard and a right to be represented by counsel in the event a long-term suspension is to be incurred. A long-term suspension is deemed to be any suspension which is in

excess of ten (10) days. In the instant case, the Student was given an opportunity to be heard, and the suspension was for less than ten (10) days. The Student's parent's contention that the Student was not treated equally because another student was treated differently under differing circumstances does not establish that the Student received unequal treatment. As pointed out by the Local Board, the Student's discipline resulted primarily from carrying a concealed weapon, while the case referred to by the Student's parent did not involve a concealed weapon. The facts and circumstances of each incident involving student discipline must be viewed independently and the decisions reached in each case are within the sound discretion of a local board of education. The State Board of Education will not interfere with the decision of a local board of education unless there is a showing that the local board of education has abused its discretion to such an extent that the actions by the local board of education are illegal. In the present case, it does not appear that the Local Board abused its discretion and the Student received all due process rights.

Based upon the foregoing findings and conclusions and the record submitted, the Hearing Officer is of the opinion that the Local Board properly upheld the decision by the principal which imposed a nine (9) day suspension on the Student. The Hearing Officer, therefore, recommends that the decision of the Local Board be sustained.

  
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L. O. BUCKLAND  
Hearing Officer