STATE BOARD OF EDUCATION

STATE OF GEORGIA

STACY W., :

Appellant, :

: CASE NO. 1989—34

V. : DECISION

SPALDING COUNTY :

BOARD OF EDUCATION,

:

Appellee. :

This is an appeal by Stacy W. ("Appellant") from a decision by the Spalding County Board of Education ("Local Board") to expel him for the remainder of the 1989-1990 school year because of his possession of firearms on the school campus. Appellant complains that the decision of the Local Board was too harsh. The Local Board's decision is sustained.

Appellant was in his final year of high school. On October 6, 1989, a friend of Appellant brought two unloaded handguns to school. At some point during the morning hours, the friend became nervous that he might be reported. The friend approached Appellant after the first period class and asked Appellant to take the handguns. The handguns were in a book bag. Appellant placed the book bag into his locker with the intention of taking the handguns home so that his friend would not be caught.

The school administration became aware that handguns were on the campus. Appellant's friend was questioned, and he revealed that the handguns were in Appellant's locker. An assistant principal had Appellant open his locker and the assistant principal retrieved the book bag. The assistant principal then took Appellant, his friend, and the book bag to the principal's office. The book bag was opened and the two handguns were inside. Both Appellant and his friend admitted the circumstances.

The Local Board conducted a hearing on October 17, 1989. During the hearing, Appellant admitted his possession of the handguns. At the conclusion of the hearing, the Local Board voted to suspend Appellant for the remainder of the 1989-1990 school year, including summer school. In addition, if Appellant wants to complete high school, he would have to apply for re—admission to the board of education.

Appellant maintains on appeal that the decision of the Local Board was too severe because he is in his last year of school and has never had an previous disciplinary measures during the entire time he has been in school. In addition, he was merely attempting to assist a friend.

The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion, or the decision is so arbitrary and capricious as to be illegal. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11. In this case, the Local Board had a rule that stated:

A student shall not possess, handle, or transmit a ... pistol ... or other object that reasonably can be considered a weapon:

(1) on the school grounds at any time;

The rules also provides that an infraction will result in expulsion for the remainder of the school term.

The rule adopted by the Local Board is within its authority and responsibility to insure the safety of all students. There was no showing that the rule is arbitrary and capricious. The State Board of Education, therefore, is required to uphold the decision of the Local Board. The Local Board's decision, therefore, is

SUSTAINED.

This 8th day of February, 1990.

Mr. Owens and Mr. Blanchard were not present.

LARRY A. FOSTER, SR. Vice Chairman For Appeals