

STATE BOARD OF EDUCATION
STATE OF GEORGIA

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| BRIAN H., | : | |
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| APPELLANT, | : | |
| | : | CASE NO. 1991-17 |
| vs. | : | |
| | : | DECISION |
| HENRY COUNTY | : | |
| BOARD OF EDUCATION, | : | |
| | : | |
| APPELLEE. | : | |

PART I

SUMMARY

This is an appeal by Brian H. (“Student”) from a decision by the Henry County Board of Education (“Local Board”) to uphold the decision of a disciplinary officer to suspend him for the remainder of the 1990-1991 school year because he damaged school property. The Student claims that the punishment is too severe because he had no prior discipline record and he was not given the opportunity to serve the days of suspension in alternative school. The appeal is dismissed because the issues on appeal are moot.

PART II

FACTUAL BACKGROUND

On February 25, 1991, the maintenance supervisor of the high school noticed that his dog was running around the school grounds. About 10:00 a.m., the maintenance supervisor took the dog back to his house, which was across the street from the school. He discovered that his home, which the Local Board owned, had been broken into and vandalized. There were shattered

windows and broken glass on the floor, furniture and a television set were turned over, the stereo was blaring, milk was poured onto the sofa and other food had been opened and thrown around, the bathtub was stopped up and overflowing, clothes had been pulled out of closets and drawers pulled out of dressers, and a hair dryer was left in the sink with the water still running. The maintenance supervisor also found that two rings and a coin were missing.

Later that same day, a teacher overheard several students talking about the incident. When the students were questioned, an eleventh grade boy admitted that he and the Student had broken into and damaged the house.

A hearing was held on the matter on March 12, 1991. During the hearing, the Student, who is in the seventh grade, admitted to the charges of breaking and entering as well as vandalizing school property. The Disciplinary Hearing Officer also found evidence to substantiate the finding of criminal damage to property and criminal trespass. The Disciplinary Hearing Officer decided to suspend the Student from all school activities for the remainder of the 1990-1991 school year and the Student would not be allowed to serve his suspension in the Alternative School. However, the Student was given the opportunity to make up some of the credits in summer school.

The Student appealed to the Local Board. On April 8, 1991, the Local Board voted unanimously to uphold the Disciplinary Hearing Officer's findings, decision and punishment. This appeal then followed.

PART III
DISCUSSION

On appeal, the Student claims that the punishment is too severe under the circumstances. Specifically, the Student contends that he had no prior discipline problems and an excellent academic record. Consequently, he should be given the opportunity to make up the suspended time in an alternative school.

The issues raised in the instant case are moot because the suspension period is over and the Student can return to school in the fall of 1991. Appellant maintains that the issue is not moot because the lost credits from his suspension will prevent him from graduating on time. The Student, however, was allowed to make up these credits in summer school and he can graduate on time.

Control of the local schools is vested in the local boards of education. See, Boney v. County Board of Education of Telfair County, 203 Ga. 152 (1947). The State Board of Education, will not substitute its views for the views of the local board of education. 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 (St. Bd. of Ed., 1976). The Student admitted to the charges brought against him and the State Board of Education is bound to respect the Local Board's decision to suspend the Student for his actions.

PART IV
DECISION

Based upon the foregoing and the record submitted, the State Board of Education is of the opinion that the issues raised are moot, the appeal should be dismissed, and the Local Board did not exceed its authority. The appeal, therefore, is hereby

DISMISSED

This 8th day of August, 1991.

Mr. Abrams and Dr. King were not present.

Larry A. Foster
Vice Chairman for Appeals