

loaded cane, sword cane, machete, pistol, rifle, shot gun, pellet gun, or other object that reasonably can be considered a weapon on the school grounds at any time.

On appeal, the Student maintains that the punishment was too harsh. However, "The control and management of the public schools constitutionally rests with the county board of education and such control and management will not be interfered with except where that control and management is contrary to law. See, Colson v. Hutchinson, 205 Ga. 559, 67 S.E.2d 764 (1951); Boney v. County Board of Education for Telfair County, 203 Ga. 152 (1947)." Martinius C. v. Griffin-Spalding County Bd. of Educ., Case No. 1992-12 (Ga. SBE, Jul. 9, 1992). "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, 242 S.E.2d 374 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." Roderick J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). In the instant case, the Student admitted that he possessed a gun on school grounds and, therefore, violated school policy.

Permanent expulsion for possessing a gun on school grounds is not too harsh and is reasonably related to protecting other students from harm. The State Board of Education, therefore, concludes that the Local Board did not abuse its discretion by permanently expelling the Student.

The Student also complains that the Local Board would not hear any evidence that was not in the transcript from the Student Disciplinary hearing. Under O.C.G.A. § 20-22-752, the Local Board is not required to hear new evidence. The State Board of Education, therefore, concludes that the Local Board did not err in refusing to receive additional evidence.

PART IV DECISION

Based upon the foregoing, the State Board of Education is of the opinion that there was evidence to support the Local Board's decision and the Local Board did not abuse its discretion by permanently expelling the Student because he had a gun on school property. The Local Board's decision, therefore, is

SUSTAINED.

This 14th day of April, 1994.

Mr. Brinson, Mrs. King, Dr. Thomas and Mr. Williams were not present.

Richard C. Owens, Chairman
State Board of Education