

STATE BOARD OF EDUCATION

STATE OF GEORGIA

CHRIS B.,

Appellant,

vs.

**HENRY COUNTY
BOARD OF EDUCATION,**

Appellee.

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CASE NO. 1994-8

DECISION

**PART I
SUMMARY**

This is an appeal from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal (SDT) to expel Chris B. (Student) from the Henry County School System for the remainder of the 1993-1994 school year because he was in possession of a weapon on school grounds. The Student maintains on appeal that the decision of the Local Board was too harsh. The decision of the Local Board is sustained.

**PART II
FACTUAL BACKGROUND**

On November 8, 1993, the Student began fighting with another student. After receiving several punches, the Student reached into his book bag. Another student saw a pipe in the book bag, grabbed it and threw it out of reach. A disciplinary hearing was held by the SDT on November 18, 1993.

At the Student Disciplinary Hearing, evidence was presented by several students that the Student had received threats that several other students were going to attack him. Evidence was also presented that the Student did not initiate the fight and that the Student only reached into his book bag after having already been hit three or four times. The Student testified that he brought the pipe to school out of fear and for self—defense purposes only. He testified that on November 5, 1993, he had received threats that several students were going to jump on him and he only planned on using the pipe if several people attacked him. The Student also testified that he reached into his book bag because he was confused after being punched several times and did not know if several of the other student’s friends were also going to jump on him. The SDT found the Student guilty of possessing a weapon on school grounds and voted to expel him from all Henry County School System for the remainder of the 1993-94 school year. The Student appealed the decision of the SDT to the Local Board. On December 9, 1993, the Local Board voted to uphold the decision of the SDT. The Student then filed a timely notice of appeal to the State Board of Education.

PART III DISCUSSION

The Local Board Policy Section IV provides in part:

The following specific behavior will result in an immediate suspension from school for a period of five days...with the matter being submitted to a Disciplinary Hearing Officer:

6. possessing or having under control any weapon or explosive compound while at school...

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)." Martinus 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 he had a pipe on school grounds and that he planned to use it if necessary. The Student could have caused serious harm or death if he hit another student with the pipe. The Local Board's need to protect the other students serves as a sound basis for long-term suspension. The State Board of Education, therefore, concludes that the Local Board did not abuse its discretion by suspending the Student for the remainder of the 1993-1994 school year.

PART IV DECISION

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board did not abuse its discretion and there was evidence to support the Local Board's decision. 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