

**STATE BOARD OF EDUCATION**  
**STATE OF GEORGIA**

<b>STEPHEN C.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1994-32</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>MUSCOGEE COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Stephen C. (Student) from a March 21, 1994, decision by the Muscogee County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to suspend the Student for one year, with assignment to the Local Board's Academic Success Center during the one year period, after finding the Student guilty of possessing a weapon on campus and causing physical harm to non-employees. The Student brought a device that was identified as a cross<sup>1</sup> to school that had a blade as part of its construction. The Student threatened two or three other students while at school. On appeal, the Student claims that the device was not a weapon and he, therefore, did not violate any Local Board policy. The Local Board's decision is sustained.

On February 16, 1994, the Student arrived at school with the cross and asked a teacher to hold it for him during the day because he did not want anyone to accuse him of having a weapon since the cross had a blade in it. The teacher kept the cross until the end of the day and then returned it to the Student. The teacher did not inspect the device and did not consider that it was a weapon.

When the Student exited the school building, he threatened another student, Adam, with the cross. A third student, Paul, intervened and the Student swung the cross towards Paul, who jumped back out of reach. A fourth student, Lauren, grabbed the Student's left arm in an attempt to stop him. The Student placed the cross, which was in his right hand, in front of Lauren's face and told her to get off him. The Student then started walking away. Paul ran ahead of him and told a crossing guard that the Student had the device. The crossing guard confiscated the device and gave it to Paul to turn in to the principal. Adam, Paul, and Lauren were all frightened by the incident and thought they were going to be harmed by the Student.

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<sup>1</sup> The device was identified as a "silver cross ... about an inch and a half long" and a "blade is inside it." The principal testified, "If you will picture a fingernail clipper ... sometimes a fingernail clipper has also a fingernail file inside of it. This blade was inside the cross, right in the very middle of it, but you could pull it out and it was actually a knife blade that could be used to cut a person."

The next day, the principal began investigating the incident. Based upon the statements of the witnesses, the principal called the police. A sergeant arrived and reviewed the statements and the device. The sergeant said that the device did not meet the legal requirements to be considered a weapon, but that young children could think that the device was a weapon.

The Student claims on appeal that the device cannot be considered to be a weapon, and was not considered to be a weapon by the Student's teacher or the crossing guard, so there could not be a violation of the Local Board's Rule 6, which provides, in part:

A student shall not possess, use, handle, transmit, or control any object which might reasonably be considered as a weapon ....

"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). "A local board of education ... is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. See. Boney v. County Board of Education of Telfair County, 203 Ga. 152 (1947); Braceley v. Burke County Bd. of Ed., Case No. 1978-7." Joseph N. v. Jasper Cnty. Bd. of Educ., Case No. 1981-40 (Ga. SBE, Feb. 11, 1982).

The Local Board's rule is directed to the safety of its students by preventing students from using any weapon in school. It prohibits the use of any object as a weapon. If a pencil is used as a weapon, the Local Board's policy applies, even though a pencil is normally not thought to be a weapon. Thus, even if the teacher and the crossing guard did not consider the device to be a weapon, the Student used the device as a weapon and, therefore, violated the Local Board's Rule 6.

The Local Board has the authority to impose long-term suspension. See, Public School Disciplinary Tribunal Act, O.C.G.A. §~ 20-2-750 et seq.

Based upon the foregoing, the State Board of Education is of the opinion that there was evidence that the Student violated the Local Board's policy against using objects as weapons. The Local Board's decision, therefore, is  
SUSTAINED.

This 14<sup>th</sup> day of July, 1994.

Mr. Williams and Mrs. King were not present.

Robert M. Brinson  
Vice Chairman for Appeals