STATE BOARD OF EDUCATION

STATE OF GEORGIA

RORY D.,	:	
	:	
Appellant,	:	
	:	**CASE NO. 1994-71**
vs.	:	
	:	**DECISION**
MARIETTA CITY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Rory D. (Student) from an October 24, 1994, decision by the Marietta City Board of Education (Local Board) to uphold the decision of the Student Disciplinary Tribunal to suspend him for the remainder of the 1994-1995 school year after finding him guilty of arson because he started a fire in a restroom within a high school. The Student claims that the evidence does not support the charge, the decision denied him equal protection, and the decision is too harsh because it effectively bars him from all high schools for one year without providing him an alternative education. The Local Board's decision is sustained.

On September 21, 1994, a teacher discovered smoke coming from the boys' restroom that was located next to her classroom. A custodian was able to put out the fire that was discovered in the restroom. After an investigation, the Student, who was fifteen years old and in the ninth grade, admitted that he had been lighting matches in the restroom and set some paper on fire. He apparently attempted to put the fire out but was unsuccessful before the custodian entered the restroom. The Student had obtained some matches from another student before the incident, but the other student was not present when the Student lit the fire. The fire was discovered soon enough to avoid any damage, but it caused a considerable amount of smoke and generally disrupted activities within the school.

The Student was charged with violating the Local Board's policy that prohibited arson within the school. A Student Disciplinary Tribunal heard evidence on October 3, 1994. During the hearing, the Student admitted he started the fire. The Student Disciplinary Tribunal found the Student guilty of violating the Local Board policy and decided to suspend him for the remainder of the 1994-1995 school year. The Student appealed to the Local Board, which sustained the Student Disciplinary Tribunal's decision.

On appeal to the State Board of Education, the Student claims the Local Board's decision should be reversed because: (1) the evidence did not support the charge; (2) the decision denies the Student an alternative education; (3) the decision denied the Student equal treatment, and (4) the decision was unduly harsh because it effectively removed the Student from obtaining any education for one year.

"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. 197 6-11 (Ga. SBE, Sep. 8, 1976)." Roderick J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). The Student claims he was charged with "setting fire to the boys' restroom" but the evidence only shows that he lit some papers and the restroom was not burned. The record, however, shows that the Student was charged with violating rule eighteen, arson, rather than with setting the restroom on fire. The Student admitted to setting some papers on fire in the restroom. The State Board of Education, therefore, concludes that there was some evidence to support the Local Board's decision.

The Student's second and fourth contentions are that the decision is too harsh because it denies him an educational opportunity for one year. "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 M. v. Jasper Cnty. Bd. of Educ., Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). Local boards of education have the authority to impose long-term suspension. See. O.C.G.A. § 20-2-755. The State Board of Education, therefore, concludes that the Local Board's decision was within its authority and discretion.

The Student's final contention is that he was not afforded equal treatment because another student, who gave the Student the matches, was permitted to withdraw from school without facing any disciplinary action. The record, however, shows that the other student was not involved in the fire setting incident with the Student. The State Board of Education, therefore, concludes that the evidence does not support the Student's contention.

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision and the Local Board acted within its authority and did not provide disparate treatment to the Student. The Local Board's decision, therefore, is SUSTAINED.

This 13th day of April, 1995.

Mr. Brinson, Ms. Keeton, Ms. King and Mr. Sessoms were not present.

Richard C. Owens, Chairman
State Board of Education