

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

<b>BRIAN M.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1995-5</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>HEARD COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Brian N. (Student) from a decision by the Heard County Board of Education (Local Board) to affirm the decision of a Student Disciplinary Tribunal to suspend him for the remainder of the 1994-1995 school year with the option of attending alternative school during the suspension period because he had a gun on school premises. The Student makes the general claim that the decision is erroneous. The Local Board's decision is sustained.

On November 16, 1994, the Student's principal learned that the Student was given a gun by another student. When the principal questioned the Student, the Student opened his book bag and gave the principal a pistol. The principal referred the matter to a Student Disciplinary Tribunal. After notice, the Disciplinary Tribunal held a hearing on December 1, 1995. At the hearing, the Student admitted that he had a gun on campus. The Student Disciplinary Tribunal found the Student guilty of violating the Local Board's policy that bans the possession of guns on school premises and decided to suspend the Student for the remainder of the 1994-1995 school year.

The Student appealed to the Local Board. The Local Board affirmed the Tribunal's decision, but decided that the Student could attend alternative school during the suspension period. The Student then filed a timely appeal with the State Board of Education.

On appeal, the Student claims that the decision to suspend him for the remainder of the school year should be reversed because the principal enticed the bringing of the weapon onto the campus. The Student, however, has failed to prove his mere allegation of this claim. The Student also has not shown that the Local Board's decision was arbitrary or capricious or made without authority of law. "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). The Local Board had the authority to suspend the Student and let him attend an alternative school.

Based upon the foregoing, the Local Board's decision is  
SUSTAINED.

This 11<sup>th</sup> day of May, 1995.

Mrs. King, Mr. Sessoms and Mr. Williams were not present.

Robert M. Brinson  
Vice Chairman for Appeals