

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**K. M.,** :  
 :  
 **Appellant,** :  
 :  
 : **CASE NO. 1997-46**  
**vs.** :  
 : **DECISION**  
 :  
 **HENRY COUNTY** :  
 **BOARD OF EDUCATION,** :  
 :  
 **Appellee.** :

This is an appeal by K. M. (Student) from a decision by the Henry County Board of Education (Local Board) to modify a student disciplinary tribunal decision and expel him from school for one year and to permit him to attend an alternative school after the student disciplinary tribunal found him guilty of discharging explosives at a football game and permanently expelled him. The Student claims that he was improperly charged and that the punishment imposed was too harsh. The Local Board’s decision is sustained.

On the night of September 12, 1997, the Student, a senior, and two friends discharged several rockets into a crowded football stadium where the first home game of the season was being played. The rockets exploded near the football players, the visiting band, and the spectators, but no one was injured. The Student and his friends claimed they were merely playing a senior prank without any intention of harming anyone.

The Local Board has a policy that prohibits:

Possessing or having under control any weapon ... or explosive compound while at school, at a school function, on school property.... Weapons and explosives are defined on page 11 of the Secondary Student Handbook.

Henry County School System Student Handbook, Grades 6-12, 1997-98 School Year, Page 20, Section III, Offenses and Punishment (6).

The Student Handbook defines explosives as:

The term “explosive compound” shall mean any bomb, firebomb, Molotov cocktail, firecracker, fireworks, bullet, shell, grenade, missile or any other type of explosive device.

Henry County School system Student Handbook, Grades 6-12, 1997-98 School Year, Page 12, Explosives.

On appeal, the Student claims that Georgia law does not consider Class C fireworks as an explosive compound. There was no evidence in the record that the rockets were Class C fireworks. Additionally, the Student was not charged with violating any State law. Instead, he was charged with violating a Local Board policy that prohibits the possession of an explosive compound, which includes any fireworks, firecracker, or missile. The Student admitted that he had the rockets in his possession and shot them into the stadium. The Student's claim, therefore, is entirely without merit.

The Student next claims that the punishment imposed was inappropriate because the alternative school is designed for students with a learning or behavior handicap and that, since he had not previously been in any trouble, he did not have a behavior handicap. "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 for Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947); *Braceley v. Burke County Bd. of Ed.*, Case No. 1978-7." *Joseph M. v. Jasper Cnty. Bd. of Educ.*, Case No. 198 1-40 (Ga. SBE, Feb. 11, 1982). In the instant case, the Local Board had the authority to suspend the Student or place him in the alternative school and the State Board of Education will not attempt to go behind the Local Board's decision.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision was not arbitrary or capricious and the Local Board was authorized to expel the Student for one year with the option of attending an alternative school during the expulsion period. The Local Board's decision, therefore, is  
SUSTATH4ED.

This 12<sup>th</sup> day of February, 1998.

Dr. Bill Grow *was* not present.

Larry Thompson  
Vice Chairman for Appeals