

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. C.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1998-9
vs.	:	
	:	DECISION
COBB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

J. C. (Student), a tenth-grader, appeals from a decision by the Cobb County Board of Education (Local Board) to suspend him for one semester after a student disciplinary tribunal found him guilty of possessing on school property two spiked bracelets, a chain, and what was thought by school officials to be the components of a bomb. The Local Board also gave the Student the opportunity to attend alternative school during the suspension period. The Student claims that the punishment was too harsh. The Local Board’s decision is sustained.

On November 14, 1997, an assistant principal at McEachern High School found some gray duct tape, electric tape, a bottle, two PVC pipes, a drill with bits, pliers, and material he thought was for homemade fuses in the Student’s book bag while at a pep rally. The Student also was wearing two spiked bracelets and had a chain and instructions on how to make an explosive. The school officials concluded that the Student had the components for making a bomb.

Local Board Policy JCDAC prohibits the possession on school property of firearms or explosives, or the components “from which a destructive device may be readily assembled.” In addition, the policy prohibits the possession of any “‘look-alike’ bomb,” and “studded or pointed rings and bracelets....” The school officials charged the Student with violating Policy JCDAC.

On December 5, 1997, a student disciplinary tribunal found the Student guilty of violating Policy JCDAC. The Student testified that the pipe in his bag was to be used for “paint ball.” The other materials in his bag were apparently from some military exercises he participated in as part of a Navy auxiliary group. His normal book bag had gotten wet and he threw his books into his military duffel bag that morning.

The student disciplinary tribunal voted to permanently expel the Student. On appeal, the Local Board voted to suspend the Student for only one semester. The Student then filed a timely appeal to the State Board of Education.

The Student's only ground for appeal is that the punishment was too harsh under the circumstances. "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. 1981-40 (Ga. SBE, Feb. 11, 1982). "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, there was evidence that the Student had a spiked bracelet and a chain in his possession, which is prohibited by the Local Board's Policy JCDAC.¹ There was, therefore, some evidence before the Local Board that would permit it to suspend the Student.

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. The Local Board's decision, therefore, is SUSTAINED.

Dr. Bill Grow, Mrs. Barbara A Fitzgerald were absent.

This the 10th day of June, 1998.

Larry Thompson
Vice Chairman for Appeals

¹ It is extremely doubtful that the materials in the bag were the raw materials for making a bomb.

