

STATE BOARD OF EDUCATION

STATE OF GEORGIA

DONALD MILLS, ET AL.,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 1980-23
	:	
GWINNETT COUNTY BOARD OF	:	
EUDCATION,	:	
	:	
Appellee.	:	

O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Gwinnett County Board of Education herein appealed from is hereby affirmed.

Mr. Stembridge was not present.

This 13th day of November, 1980.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

DONALD M., RANDOLPH C., and	:	CASE NO. 1980-23
THOMAS C.,	:	
	:	
Appellants,	:	
	:	
vs.	:	REPORT OF
	:	
GWINNETT COUNTY BOARD OF	:	HEARING OFFICER
EDUCATION,	:	
	:	
Appellee.	:	

RECOMMENDATION

On June 3, 1980, Donald M., Randolph C., and Thomas C. (hereinafter "Appellants") were involved, directly and indirectly, in placing an explosive device into a school locker on school property. The device exploded and caused considerable damage to school property. The Local Board sent notices to the students and their parents that they were charged with violating rules established by the Local Board concerning the setting of fires on school property, damage or destruction of school property, and the possession of explosive devices on school property. A disciplinary board hearing was held on June 11, 1980 and the board recommended that the students be expelled. The Local Board met on July 15, 1980 and decided that Donald M. and Thomas

C. would be given one year of suspension and one year of probation, while Randolph C. was to be expelled. Appellants appealed to the State Board of Education on the grounds that the punishment was excessive, they were denied due process, they were denied representation, and the Local Board's decision was not supported by the evidence. Oral arguments were not made and briefs were not submitted to the Hearing Officer.

The evidence presented before the disciplinary board was undisputed and each of the Appellants admitted their part in placing the explosive device within the school locker. The rules and regulations of the Local Board were submitted in evidence and the Local Board had evidence showing that the rules and regulations had been violated. The decision of the Local Board, therefore, was clearly supported by the evidence.

Local boards of education are charged with the responsibility of the operation of the local school systems and have the authority to provide for disciplinary measures. Ga. Code Ann. §32-901, 32-909. The degree of discipline is discretionary with the local boards of education and will not be disturbed by the State Board of Education unless there has been a clear abuse of discretion. It does not appear that there was such an abuse of discretion where the evidence shows that Appellants undeniably endangered

the lives of other students and caused actual damage to school property.

There is nothing in the record to indicate that Appellants were denied due process or denied legal representation in the other proceedings. The Hearing Officer, therefore, does not find any foundation for these stated grounds of appeal.

Based upon the foregoing and a review of the record, the Hearing Officer is of the opinion that the Local Board did not abuse its discretion and there was evidence supporting the decision of the Local Board. The Hearing Officer, therefore, recommends that the decision of the Gwinnett County Board of Education be sustained.



L. O. BUCKLAND
Hearing Officer