

STATE BOARD OF EDUCATION

STATE OF GEORGIA

HARRY C., :  
Appellant, :  
v. : CASE NO. 1981-16  
DEKALB COUNTY BOARD :  
OF EDUCATION, :  
Appellee. :

O R D E R

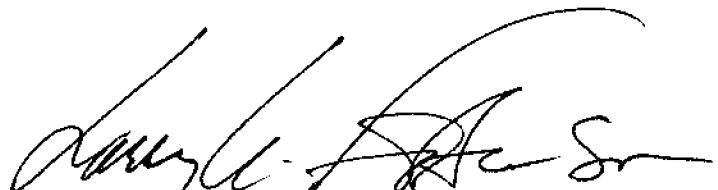
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

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 DeKalb County Board of Education herein appealed from is hereby sustained.

Mr. McClung was not present.

This 9th day of July, 1981.

  
LARRY A. FOSTER, SR.  
Vice Chairman for Appeals

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STATE BOARD OF EDUCATION  
STATE OF GEORGIA

HARRY CARSON, JR.,	:	
	:	
Appellant	:	CASE NO. 1981-16
	:	
v.	:	
	:	
DEKALB COUNTY BOARD OF EDUCATION,	:	REPORT OF HEARING OFFICER
	:	
Appellee	:	

This is an appeal by Harry Carson, Jr. (hereinafter "Appellant") from a decision of the DeKalb County Board of Education (hereinafter "Local Board") which suspended him for the remainder of the 1980-81 school year and denied him admittance in the vocational program he was attending while permitting him to attend another school during the 1981-82 school year. The Local Board decision was made because Appellant brought a dangerous weapon upon the school premises. Appellant appealed to the State Board of Education on the ground the punishment was too severe. The Hearing Officer recommends that the decision of the Local Board be sustained.

Appellant was attending the Occupational Educational Center South Campus. At the same time, he was working eight hours per day. This required him to travel home late at night by public transportation. A fellow employee attempted to sell him a sawed-off shotgun and permitted him to take it home one

night. Appellant decided not to keep the shotgun and brought it to school the next morning. The shotgun and a shell were discovered by the school officials after they were informed by the other students. The Local Board had a rule that dangerous weapons were not to be brought on school property.

Appellant was granted a hearing before the Local Board on March 17, 1981. Appellant was represented by counsel. After hearing the evidence, the Local Board decided to expel Appellant for the remainder of the 1980-81 school year. The decision also permitted him to enter another school during the 1981-82 school year, but denied him entrance to the Occupational Educational Center South Campus.

Appellant claims that the punishment of not permitting him to attend the Occupational Center South Campus is too severe because it denies him an opportunity to obtain vocational training. There is no question that Appellant brought the shotgun onto school property and no challenge was made of the validity of the school rule which prohibited dangerous weapons on school property. In addition, no allegation was made that the decision of the Local Board was arbitrary and capricious.

The State Board of Education follows the rule that if there is any evidence to support the decision of the local board, the decision will not be disturbed upon review. See, Ransom v. Chattooga County Bd. of Ed., 144 Ga. App. 783 (1978);

Antone v. Greene County Bd. of Ed., Case No. 1976-11. In the instant case, the facts are undisputed that the rule for bringing dangerous weapons on school property was in place. Appellant knew about the rule, and nevertheless, brought a shotgun to the classroom. Appellant's only defenses were the mitigating circumstances which were related to the Local Board. The Local Board, therefore, had undisputed evidence before it which would permit them to expel Appellant for the remainder of the quarter, and assign him to another school upon his return.

Based upon the foregoing, the record submitted, and the briefs and argument of counsel, the Hearing Officer concludes that the decision of the Local Board is supported by the evidence. The Hearing Officer, therefore, recommends that the decision of the DeKalb County Board of Education be sustained.

  
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L.O. Buckland  
Hearing Officer