

PART II

FACTUAL BACKGROUND

The Student attended a party with numerous other students. At the party, several students began a confrontation with friends of the Student. The individuals involved in the confrontation left the party and the Student drove his friends around various places and eventually was involved in a car chase. After the car chase, a fight broke out resulting in one student being shot. The person who possessed the gun was one of the occupants of the Student's car. It does not appear, however, that the Student was aware of the gun.

The Student was charged with conduct outside of school hours which may adversely affect the educational process and, based upon the above facts, he was found guilty. The Student appealed to the Local Board contending that his involvement was minor and that he remained in his car and, thus, did not get involved in the incident which endangered the lives of others.

PART III

DISCUSSION

The State Board of Education is authorized to hear appeals from decisions made by local boards on matters of local controversy involving the construction or administration of the school laws. O.C.G.A. §120-20-1160. The State Board of Education is not authorized to substitute its judgment for that of the local board, and must sustain the decision of the local board if there is any evidence to support the local board's decision, absent an abuse of discretion or violation of law by the local board. See, Ransum v. Chattooga Cnty. Bd. of Ed., 144 Ga. App. 783 (1978); Antone v. Greene Cnty. Bd. of Ed., Case No. 1976-11.

The Student appeals to the State Board of Education based upon the following enumeration of errors:

1. The Student was never contacted by the police and therefore there was no criminal involvement on the part of the Student.
2. The Student was not aware the student in his car was armed.
3. A statement was taken from the Student prior to his parents being notified.
4. The Student only played a minor role in the incident.
5. The Student is the only student to his knowledge who was suspended because of his "outside" participation in the incident.
6. The Student was suspended on the basis of his past performance rather than his involvement in the incident.

The State Board of Education is only authorized to consider on appeal issues which were raised before the Local Board of Education. Sharpley v. Hall Cnty. Bd. of Ed., 25 Ga. 54 (1983); Owen v. Long Cnty. Bd. of Ed., 245 Ga. 647 (1980); Boney v. Cnty. Bd. of Ed., 203 Ga. 152 (1947).

Based upon the record presented, only two of the issues raised on appeal can be fairly said to have been raised before the Local Board. Those two issues are, first, that the Student's involvement was minor and, second, that his participation did not amount to conduct which endangered the school process.

It is clear that the Local Board acted within its authority in its discipline of the Student. There was ample evidence to support a finding by the Local Board that the Student went out of his way to be involved in an incident with other students. The Student drove the car that brought the two groups of students together. Such conduct does endanger the school processes in that it involves numbers of students, endangers the students, and has a strong likelihood of carrying over the results into the school day or into extracurricular activities.

The argument that the Student's involvement was minor does not present a legal grounds for reversal. The Local Board is authorized to determine within its discretion that the involvement warranted discipline. The action of the Local Board does not amount to such a gross abuse of discretion so as to shock the conscience and justify reversing the decision of the Local Board.

The argument that the conduct did not amount to conduct which endangered the school processes also does not warrant reversal of the decision of the Local Board. Driving students around looking for a fight with other students is clearly activity which the Local Board is entitled to attempt to prevent. A student should be aware that such activity is likely to have a negative impact on the school processes. Students from one school are likely to fight with students from another school, as appears to have occurred in the instant case, thus creating a negative environment relating to the management of the schools. Additionally, the harm that comes to students, and came to the student who was shot in this case, also has an impact on the school process.

PART IV

DECISION

Based upon the foregoing discussion, the record and the briefs and arguments of counsel, the State Board of Education concludes that there was evidence to support the decision of the Local Board and the discipline imposed by the Local Board was within its authority. The decision of the Local Board is, therefore,

SUSTAINED.

Mr. Foster did not participate in any cases in Executive Session and specifically recused himself in Case No. 1987-27, Laura Fry v. Clayton County.

Juanita Baranco
Acting Vice Chairman for Appeals