

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>DANNY D.,</b>	:	
	:	
<b>Appellant</b>	:	
	:	<b>CASE NO. 1987-32</b>
	:	
<b>V.</b>	:	
	:	
<b>DEKALB COUNTY BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

**PART I**

**SUMMARY**

This is an appeal by the mother of Danny D. (hereinafter "Student") from a decision of the DeKalb County Board of Education (hereinafter "Local Board") to affirm the decision of its Student Evidentiary Hearing Committee to suspend the Student from all regular units of the System for the fall quarter of the 1987-1988 school year and to place the Student on probation for the remainder of the 1987-1988 school year. The Student's mother contends on appeal that the punishment was too harsh.

**PART II**

**FACTUAL BACKGROUND**

A group of high school students began celebrating during the last few days of the 1986-1987 school year. The students were setting off fireworks in and around the school. The Student was mentioned as one of the students who had possessed fireworks. A hearing was subsequently held by the Student Evidentiary Committee concerning the

discipline to be imposed on the students. At that hearing, one student testified that the Student sat next to him on the school bus and gave him firecrackers. The Student testified that someone else had set the firecrackers on his bus seat and all he had done was pick them up and put them in the trashcan located in the back of the bus. One other student testified consistently with the Student's story, and no other student testified that the Student handled fireworks.

The Student Evidentiary Hearing Committee suspended the Student from all regular units of the System through fall quarter, but allowed the Student to attend the Alternative School during fall quarter, and placed the Student on probation during the remainder of the 1987-1988 school year. The Student's mother appealed that decision to the Local Board, which sustained the decision of the Student Evidentiary Hearing Committee on August 4, 1987. The Student's mother filed this appeal on August 14, 1987.

### **PART III**

#### **DISCUSSION**

The Student's mother has not provided any legal basis upon which the State Board of Education could base a reversal of the decision of the Local Board. There is evidence, in the form of the testimony, that the Student gave firecrackers to another student on the bus, that the Student violated a reasonable rule of the Local Board, and that the Local Board was justified in suspending the Student.

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. §20-20-1160. 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 has not shown that the punishment was an abuse of discretion by the Local Board. The Local Board, once it determined the Student violated its rules, was authorized to consider the disciplinary record of the Student in determining the punishment to be meted out. The Student had previous violations from which the Local Board could have determined it was necessary to enact a harsh punishment. Additionally, the Student was authorized to attend the Alternative School and could have earned credit if he chose to attend. There is, therefore, no basis for reversing the decision of the Local Board.

#### **PART IV**

#### **DECISION**

Based upon the foregoing discussion, the record and the brief submitted by counsel for the Local Board, 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.**

Mrs. Baranco was not present.

John M Foster  
Acting Vice Chairman for Appeals