

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>SEAN N.,</b>	:	
	:	
<b>Appellant,</b>	:	<b>CASE NO. 1987-33</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 Sean N. (hereinafter “Student”) from a decision of the DeKaib County Board of Education (hereinafter “Local Board”) to affirm in 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, to allow the Student to attend the System’s alternative school for the fall quarter, and to place the Student on probation for the remainder of the 1987-1988 school year. The Student contends on appeal that the punishment was too harsh.

**PART II**

**FACTUAL BACKGROUND**

On the last day of the 1986-1987 school year, the Student was standing in the hall of his school with some other students. One of the other students handed the Student a firecracker and told him to light it. The Student lit the firecracker but it did not explode. A teacher observed the Student’s act and reported it to the assistant principal.

The assistant principal suspended the Student and, *as* was required by policy for the offense, referred the matter to the Student Evidentiary Hearing Committee. The Student Evidentiary Hearing Committee held a hearing where the Student admitted the conduct described above. All other testimony regarding the Student showed the Student to be a good Student, with an 88 average for the fall quarter, a 90 average for the winter quarter, and an 89 average for the spring quarter. Additionally, the Student had no previous conduct problems in the school system.

The Student Evidentiary Hearing Committee suspended the Student from all regular units of the System through fall quarter of the 1987-1988 school year, but allowed the Student to attend the Alternative School during that quarter, and placed the Student on probation during the remainder of the 1987-1988 school year. The Student appealed the decision to the Local Board, which sustained the decision of the Student Evidentiary Hearing Committee on August 4, 1987. The Student filed this appeal on August 25, 1987.

### **PART III**

#### **DISCUSSION**

The Student contends on appeal that the punishment was too harsh and that he and his parents were misled by system personnel concerning the punishment that would be given the Student.

The record shows that, prior to the hearing held by the Student Evidentiary Hearing Committee, the Student's parents were sent a letter which stated that the Student Evidentiary Hearing Committee could impose penalties ranging from permanent expulsion to immediate reinstatement in school. The parents, in a letter written to the Local Board, stated that they had been misled as to the possible punishment. In spite of the

parents' statement, however, the Local Board chose to sustain the discipline decision of the Student Evidentiary Hearing Committee.

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 provided any legal basis upon which the State Board of Education could base a reversal of the decision of the Local Board. The Student admitted that he possessed the firecracker and lit it. The Local Board authorized the Student to attend the alternative school and, while the Student contends that decision is too harsh, the harshness of the punishment is a matter within the discretion of the Local Board, not the State Board of Education.

#### **PART IV**

#### **DECISION**

Based upon the foregoing discussion, the record submitted, 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.**

Mrs. Baranco was not present.

**JOHN M TAYLOR**  
Acting Vice Chairman for Appeals