

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**FRANKIE F.,**

**Appellant,**

**vs**

**DEKALB COUNTY BOARD  
OF EDUCATION,**

**Appellee.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**CASE NO. 1987-41**

**DECISION**

**PART I**

**SUMMARY**

This is an appeal by Frankie F. (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 Local System until his graduation from high school, with the option to attend Hamilton Alternative School during the remainder of 1987, and to place the Student on probation status for the 1987-1988 school year, with the option of attending the open campus high school until his graduation from high school. This discipline was imposed as a result of the Student's involvement in covering an open water and sewage service hole with pine straw, thereby creating a trap in which a person might step and be injured.

**PART II**

**FACTUAL BACKGROUND**

During lunch break, on September 10, 1987, the Student was involved with other students who placed sticks and pine straw over an open water and sewage service hole (hereinafter "hole") in the middle of the sidewalk near the Student's school. This activity was observed by a campus supervisor who questioned the Student about it. The Student

denied removing the hole cover, but admitted being involved in putting the straw over the hole. All of the students involved were suspended for three (3) days of school for behavior which endangers the welfare and/or safety of other students, faculty or staff. Because the Student was previously on probation, he was also charged with violation of probation and given a hearing before the Student Evidentiary Hearing Committee (hereinafter "Committee"). The Committee suspended the Student from all regular units of the Local System until his graduation from high school, with the option of attending Hamilton Alternative School during the remainder of 1987, and placed the student on probation status for the 1987 1988 school year, with the option of attending the open campus high school until his graduation from high school. The Student appealed the Committee's determination to the Local Board, which sustained the Committee's decision on October 12, 1987.

The Student filed this appeal on October 29, 1987.

### **PART III**

#### **DISCUSSION**

The Student contends on appeal that the punishment was too harsh and that the act of covering the hole with pine straw was off the school campus and, therefore, beyond the jurisdiction of the Local Board.

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 Onty. 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 was involved in the activity, which constituted setting a trap for unwary pedestrians. The Student has cited no authority for his position that the activity was beyond the jurisdiction of the Local Board. It is clear that the conduct was prohibited by the rules of the Local Board and that the Student violated the rules. The Student has not demonstrated that the punishment imposed by the Local Board was an abuse of the Local Board's discretion. 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 presented, 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 and did not constitute an abuse of discretion. The decision of the Local Board is, therefore,

SUSTAINED.

Mr. Owens voted no.

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