

STATE BOARD OF EDUCATION

STATE OF GEORGIA

EMMA F.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1988-46
v.	:	
	:	DECISION
NEWTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Emma F. (“Appellant”) from a decision by the Newton County Board of Education (“Local Board”) to permanently expel her from school. Appellant maintains that the punishment is too severe. The State Board of Education sustains the decision of the Local Board.

Appellant is fourteen years old and was a student in the ninth grade. On September 29, 1988, Appellant met a friend at school who was threatening to cut another student with a knife that the friend had. Appellant talked her friend into giving her the knife in order to prevent any fighting. Appellant took the knife home after school and had a confrontation with her mother. She decided to return the knife to her friend the next day.

On September 30, 1988, Appellant went to school with the knife and returned it to her friend. Later in the day, the principal learned that a knife was on the school premises and that Appellant had brought it on campus. The principal called Appellant to the office and questioned her. Appellant admitted that she had brought the knife to school and told her story of the circumstances.

The Local Board has a rule, which Appellant had received at the beginning of the year, that provides that any student “[s]upplying, possessing, handling, use or transmitting a [knife]” will be permanently expelled on the first offense. The principal suspended Appellant and a hearing was held on October 14, 1988 before a hearing tribunal. The hearing tribunal recommended permanent expulsion and the Local Board upheld the decision on November 4, 1988. Appellant’s appeal was filed on November 7, 1988.

Appellant maintains on appeal that permanently expelling her is too severe when she violated the rule in order to prevent a fight between two other students. She maintains that, at least, she should have an opportunity to attend an alternative school.

“A rule of absolute prohibition against guns, knives, and other weapons, with automatic penalties for violation of the rule, is necessary for the maintenance of order within the schools.” Mae S. v. Muscogee Cnty. Bd. of Educ., Case No. 1988-29, p. 5 (St. Bd. of Ed., Sep. 12, 1988). In Mae S. , the same arguments Appellant makes were presented by a student who failed to turn in a pistol she had taken from another student who was considering suicide. Our decision in Mae S. controls this case. The decision of the Local Board is, therefore,

SUSTAINED

This 12th day of January, 1989.

Mr. Owens, Mr. Lathem, Mrs. Cantrell, Mr. Carrell and Mr. Smith voted to sustain the decision of the local board. Mr. Sears, Mr. Abrams and Ms. Baranco voted no. Mr. Carrel and Mrs. Canter are of the further opinion that a local board should provide alternative education opportunities in cases of permanent expulsion.

Mr. Foster was not present.