

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JAMES W.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1988-48
v.	:	
	:	DECISION
MUSCOGEE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by the parent of James W. (“Student”) from a decision by the Muscogee County Board of Education (“Local Board”) to uphold the decision of a Student Discipline Tribunal to expel the Student for the remainder of the 1988-1989 school year because he permitted another student to place a pistol inside his car and transport it to school. The State Board of Education upholds the Local Board’s decision.

In the morning on September 16, 1988, the Student permitted another student to place a gun inside his car before school started. The other student said he did not want to go back home and miss any school. At the end of the school day, the other student obtained the Student’s car keys, went to the car, and recovered the pistol. The other student was observed by the school principal as the other student entered the car. The school principal stopped the other student from leaving the school campus, and then discovered the gun. The principal recommended permanent expulsion of both students.

A Student Discipline Tribunal conducted a hearing on September 30, 1988. During the hearing, the Student admitted that he was aware the gun was in his car and that he had given the other student permission to place it there. The Student Discipline Tribunal decided to expel the Student for the remainder of the 1988-1989 school year. The Local Board upheld the Student

Discipline Tribunal on October 17, 1988. The Student's parent appealed to the State Board of Education on the ground the Student should not be completely removed from school.

As we previously observed in Mae S. v. Muscogee County Bd. of Educ., Case No. 1988-29 (St. Bd. of Ed., Sep 12, 1988), "A rule of absolute prohibition against guns with automatic penalties for violation of the rule, is necessary for the maintenance of order within the schools." There was evidence that the Student willingly participated in transporting a gun onto the school campus. We, therefore, conclude there was some evidence to sustain the decision of the Local Board.

The decision of the Local Board to expel the Student for the remainder of the 1988-1989 school year, therefore, is

SUSTAINED., Unanimously. Mr. Carrell was not present.

This 9th day of February, 1989.

John M. Taylor
Vice Chairman For Appeals