

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ISSAC G.,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 1992-25
	:	
TERRELL COUNTY	:	DECISION
	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Issac G. (“Student”) from a decision by the Terrell County Board of Education (“Local Board”) to permanently expel him for violating policies regarding disruptive behavior. Appellant maintains on appeal that the decision of the Local Board is too harsh. We reverse the Local Board’s decision.

The Student was in the tenth grade during the 1991-1992 school year. Because of his disruptive behavior, the Student was referred to the Local Board for disciplinary action.

The Local Board conducted a hearing on May 18, 1992. At the hearing, the Associate Principal presented a summary of the Student’s disciplinary record from the 1991-1992 school year. The Student had a record of cutting classes and of being loud, disruptive and disorderly when in attendance. Evidence was also presented that the school had disciplined the Student with in-school suspension, out-of-school suspension, conferences, counseling, and corporal punishment. At the conclusion of the hearing, the Local Board voted to permanently expel the Student. The Student then made a timely appeal to the State Board of Education.

The Local Board’s Rule 11 provides, in part:

A student shall not fail to follow all school and class schedules and assignments and shall not engage in any behavior that unreasonably disrupts good order and discipline.

The control and management of the public schools constitutionally rests with the county board of education and such control and management will not be interfered with except where that control and management is contrary to law. See, Colson v. Hutchinson, 205 Ga. 559, 67 S.E.2d 764 (1951). The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board’s decision

will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783, 242 S.E.2d 374 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976). In this case, we believe the decision is so arbitrary and capricious as to be illegal.

The Local Board failed to establish that the Student was ever informed that his conduct would lead to permanent expulsion. The Local Board did not establish that its rules warn the Student that he was subject to expulsion for the behavior he exhibited. We view this as a denial of due process.

As we recently pointed out in Michael C. v. Houston Cnty. Bd. of Educ., Case No. 1992-19 (Ga. SBE, Sep. 10, 1992), while local boards of education need to protect the other students and provide a learning atmosphere, it is the policy of this State to provide an educational opportunity to all school-age children and permanent expulsion is an appropriate response only in rare cases.

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board denied the Student due process and its decision was arbitrary and capricious. The Local Board's decision, therefore, is hereby

REVERSED.

This 12th day of November, 1992.

Mr. Lathem and Mr. Williams were not present.

Mr. Sears voted to sustain the Terrell County Board of Education.

James H. Blanchard
Vice Chairman for Appeals