

STATE BOARD OF EDUCATION

STATE OF GEORGIA

BEN S.,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 1992-28
	:	
GWINNETT COUNTY	:	DECISION
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by the parents of Ben S. (“Student”) from a decision by the Gwinnett County Board of Education (“Local Board”) to sustain the decision of a Student Disciplinary Committee to expel the Student for the first six weeks of the 1992-1993 school year because he was involved in stealing hood ornaments from cars parked at a school. The decision of the Local Board is sustained.

The Student was in the sixth grade during the 1991-1992 school year. On June 3, 1992, a Student Disciplinary Committee conducted a hearing on charges that the Student violated Local Board rule three, “damage or destruction of private property,” and rule eleven, “other conduct which is subversive to good order.” The charges were based upon the fact that the Student and two other students went to the parking lot of another school and stole the hood ornaments from at least five cars. The Student admitted to being with the other two students on one day when the ornaments were stolen, but he admitted to only stealing one ornament. The Student Disciplinary Committee decided to suspend the Student through the first six weeks of the 1992-1993 school year. The Local Board upheld the decision and the parents filed an appeal with the State Board of Education.

On appeal, the Student’s parents claim that the punishment is too harsh. They also raise several other claims that were not raised in the hearing before the Student Disciplinary Committee or before the Local Board.

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); Boney v. County Board of Education of Telfair County, 203 Ga. 152 (1947). The Local Board has the power and authority to impose a long-term suspension for violation of its rules governing student conduct. A six-week suspension is not so shocking to the conscience

that it should be reversed. The Student has the opportunity to attend an alternative school during the suspension period.

Issues raised for the first time on appeal cannot be considered by the State Board of Education. The remaining issues raised by the Student's parents were not raised before the Student Disciplinary Committee. They will not, therefore, be considered by the State Board of Education.

Based upon the foregoing, the State Board of Education is of the opinion that there was no error committed by the Local Board in sustaining the decision to suspend the Student for the first six weeks of the 1992-1993 school year. The Local Board's decision, therefore, is

SUSTAINED.

This 12th day of November, 1992.

Mr. Lathem and Mr. Williams were not present.

James H. Blanchard
Vice Chairman for Appeals