

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>BREYLON C.,</b>	:	
	:	
<b>Appellant,</b>	:	
<b>v.</b>	:	
	:	<b>CASE NO. 1993-6</b>
	:	
	:	<b>DECISION</b>
<b>CLAYTON COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellate.</b>	:	

**PART I**

**SUMMARY**

This is an appeal by the parent of Bryon C. ("Student") from a December 14, 1992, decision by the Clayton County Board of Education ("Local Board") to uphold the decision of a student disciplinary tribunal to expel the Student from Riverdale Middle School for the remainder of the 1992-1993 school year, with the opportunity of attending another school. The decision was based upon charges that the Student brought a weapon (a letter opener) to school. The Student's parent argues that a letter opener is not a weapon, and even if it is considered a weapon, the Student should be permitted to possess a weapon to defend himself because he had been attacked by some high school students and the school had not provided him with any protection. The decision of the Local Board is sustained.

**PART II**

**FACTUAL BACKGROUND**

On October 30, 1992, the physical education instructor found the Student in possession of a letter opener. The Student was apparently putting the letter opener back into his knapsack after some other students dumped the contents of the knapsack onto the floor. When they saw the letter opener, the other students called to the instructor and said the Student had a knife.

The instructor took the Student to the assistant principal's office. The Student told the assistant principal that he had the letter opener for protection because he had been beaten by a high school student two days previously. The assistant principal charged the Student with violation of the Local Board's policy JCDAE, which provides:

A student shall not possess, handle, or transmit a weapon on school grounds at any time.

The Student was referred to a student disciplinary tribunal to hear the charges.

After proper notices, the disciplinary tribunal held a hearing on November 12, 1992. The Student and his parent were present. At the conclusion of the hearing, the tribunal found the Student guilty of violating the rule. The tribunal then heard evidence that this is the second time the Student had brought a weapon to school. The tribunal decided to expel the Student from Riverdale Middle School and place him in another school for the remainder of the 1992-1993 school year.

The parent appealed to the Local Board. On December 14, 1992, the Local Board upheld the tribunal's decision. The parent then appealed to the State Board of Education.

### PART III

### DISCUSSION

The Student's parent first argues that the letter opener is not a weapon. The parent's

argument is belied by the fact the Student claimed he had the letter opener to defend himself. It is also belied by the parent's second argument: the Student has a right to protect himself if the school system will not provide protection. The argument admits the potential use of a letter opener as a weapon.

The Student violated the Local Board's rule that prohibits the possession of weapons. Regardless of the motivation, a school system cannot condone the possession of weapons on a campus. The Student has not shown that the rule is arbitrary or capricious. We conclude the Student has not shown any reason for reversing the Local Board's decision.

#### PART IV

#### DECISION

Based upon the foregoing, the State Board of Education is of the opinion the Student has not raised any grounds for reversing the Local Board's decision.

The Local Board's decision, therefore, is hereby

SUSTAINED.

This 13<sup>th</sup> day of May, 1993.

Al Abrams' seat is vacant due to his resignation effective April 30, 1993.

Robert M. Brinson  
Vice Chairman for Appeals