

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>ANDREW L.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1993-35</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>DAWSON COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Andrew L. (Student) from a decision by the Dawson County Board of Education (Local Board) to uphold the decision of a student discipline tribunal to permanently expel him because he was found in school with a loaded handgun and two knives in his possession. The Student claims the punishment is too harsh. The Local Board's decision is sustained.

The principal of Dawson County High School discovered the Student with the weapons on May 11, 1993. The Student's grandfather had called the principal when the grandfather noticed that the gun was missing. The Student, who is sixteen years old, readily admitted his possession and turned the weapons over to the principal when the principal confronted him. The Student claimed he was carrying the weapons for defensive purposes after receiving threats from some other students.

The hearing before the student discipline tribunal occurred on May 24, 1993, and the appeal to the Local Board was decided on July 19, 1993. A timely appeal was filed with the State Board of Education.

The Student claims that the punishment imposed is too harsh because he had no intent to harm anyone and had the weapons only to protect himself. "A local board of education ... is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. *See, Boney v. County Board of Education of Telfair County*, 203 Ga. 152 (1947); *Braceley v. Burke County Bd. of Ed.*, Case No. 1978-7." *Joseph M v. Jasper Cnty. Bd. of Educ.*, Case No. 1981-40 (Ga. SBE, Feb. 11, 1982).

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority. The Local Board's decision, therefore, is

SUSTAINED.

This 13<sup>th</sup> of January, 1994.

Mrs. King, Mr. McGlamery and Dr. Thomas were not present. Mr. Lathem's seat is vacant due to his resignation effective December 31 1993.

Robert M. Brinson  
Vice Chairman for Appeals