STATE BOARD OF EDUCATION

STATE OF GEORGIA

WILL J.,	:	
	:	
Appellant,	:	
	:	**CASE NO. 1995-11**
vs.	:	
	:	**DECISION**
CLINCH COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Will J. (Student) from a decision by the Clinch County Board of Education (Local Board) to place him on in-school suspension for the remainder of the 1994-1995 school year because he violated the ban on having a gun on campus. The Student claims that he is receiving unequal and discriminatory treatment, and that the punishment is too harsh. The Local Board's decision is sustained.

On December 13, 1994, the Student, a high school senior, was discovered to have a shotgun in his car while it was parked in the parking lot on the school campus following a basketball game. A Student Disciplinary Tribunal met on January 10, 1995, and decided to transfer the Student to an alternative school for the remainder of the 1994-1995 school year. The Student appealed to the Local Board. On February 2, 1995, the Local Board modified the Tribunal's decision and placed the Student on in-school suspension for the remainder of the 1994-1995 school year. Local Board policy provides that if a student is confined to in-school suspension, the student cannot participate or attend any extra-curricular activities. The Student filed a timely appeal with the State Board of Education.

On appeal, the Student claims that the Local Board's decision imposes unequal treatment on him because other students who have had guns on campus were not similarly disciplined. Additionally, the Student claims that the decision is too harsh and arbitrary.

There is some evidence in the record that other students have been found with guns in their automobiles, but the record does not show when the incidents occurred or what were the circumstances involved. The weapons policy was changed on November 2, 1994, to provide for the assignment of students to an alternative school if weapons were found in their vehicles. The principal testified that all students have been treated the same since the policy was changed. "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)." Roderick J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). The State Board of Education, therefore, concludes that the Student has not been treated more harshly than any other student since the policy change.

Regarding the Student's claim that the punishment is too harsh, "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 for Telfair County, 203 Ga. 152 (1947)." Martinius C. v. Griffin-Spalding County Bd. of Educ., Case No. 1992-12 (Ga. SBE, Jul. 9, 1992). There is no indication that the policy or the Local Board's decision is contrary to law. The State Board of Education, therefore, concludes that the punishment is not too harsh.

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board's decision does not deny the Student equal protection and is not too harsh. The Local Board's decision, therefore, is
SUSTAINED.

This 11th day of May, 1995.

Mrs. King, Mr. Sessoms and Mr. Williams were not present. Mr. Owens abstained.

Robert M. Brinson
Vice Chairman for Appeals