

STATE BOARD OF EDUCATION

STATE OF GEORGIA

WESLEY O.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1995-22
vs.	:	
	:	DECISION
BEN HILL COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Wesley O. (Student) from a decision by the Ben Hill County Board of Education (Local Board) to affirm the decision of a Student Disciplinary Tribunal to expel him until the beginning of the second semester of the 1995-1996 school year because he had a knife at school. The Student claims that the disciplinary measure is too harsh and does not fit the infraction because no one was hurt and he does not pose a threat to anyone at the school. The Local Board's decision is sustained.

On February 24, 1995, the Student obtained a knife from another student while at school and strapped it to his body. The Student's principal learned that the Student had a knife and called him into the office. The Student produced the knife and told the Principal that he had obtained it from another student. The Student was suspended pending a Student Disciplinary Tribunal hearing.

The Tribunal hearing was held on March 2, 1995. The Tribunal decided to suspend the Student until the beginning of the second semester of the 1995-1996 school year. Upon appeal to the Local Board, the Local Board affirmed the Tribunal's decision. The Student then appealed to the State Board of Education.

The Student claims that the Local Board's decision is too harsh because he was merely attempting to get the knife back home and did not pose a threat to anyone. "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). "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). The Local Board has the authority to impose long-term suspension on students. O.C.G.A. § 20-2-755. The Local Board, therefore, did not abuse its discretion.

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board has the authority to suspend the Student until the beginning of the second semester of the 1995—1996 school year because of his possession of a knife on campus. The Local Board's decision, therefore, is sustained.

This 10th day of August, 1995.

Messrs. Sessoms, Teasley and Williams were not present. The seat for the Tenth District is vacant.

Robert M. Brinson
Vice Chairman for Appeals