

STATE BOARD OF EDUCATION

STATE OF GEORGIA

R. R. and A. G.,

Appellant,

vs.

CASE NO. 1999-35

**HARALSON COUNTY
BOARD OF EDUCATION,**

DECISION

Appellee.

This is an appeal by R. R. and A. G. (Students) from a decision by the Haralson County Board of Education (Local Board) to suspend them from school until the end of the 1998-1999 school year and require them to attend monthly counseling sessions with the high school counselors during the 1999-2000 school year. The Students contend that they did not violate any rules or policies of the school system and there was no competent evidence presented against them. The Local Board's decision is reversed.

During January and February 1999, the Students, one a ninth grader and the other a tenth grader, created a list of their friends and people they wanted to be their friends. As they exchanged the list between themselves, other students became aware of the list and began calling it a "hit list." Sometime in February 1999, the list was lost or otherwise destroyed and there was no further discussion about it.

On Thursday, April 29, 1999, an assembly was held to discuss the mass shooting incident that occurred at Columbine High School in Littleton, Colorado. During the assembly, the students were told that they could not wear trench coats to school. On the following Monday, May 3, 1999, a friend of the Students wore a trench coat to school. The principal questioned the student and several other students about why she wore the coat to school. During this investigation, the principal became aware of the list the Students had prepared in January and February.

Because the Students were involved in creating the list and it became known as a "hit list," they were charged with making threats of violence and disrupting the school environment. Rule 1g of the Student Behavior Code provides:

[No student shall] cause or attempt to cause the disruption of any lawful mission, process or function of any school in the Haralson County School System, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, sexual harassment or by any other conduct.

Policy JCDA, Student Behavior Code, Rule 1g.

Rule 5b provides that “no student shall at any time assault, threaten, or intimidate any person while on any school system property, on any school bus, or during any school-sponsored activity or event, wherever located.” *Id.*, Rule 5b.

The School System did not present any evidence that the Students caused or attempted to cause the disruption of any lawful mission, process or function, nor was there any evidence that the Students assaulted, threatened, or intimidated any person while on school property. The Local Board argues that there was evidence that the school system became disrupted after the principal began his investigation and parents became aware of the existence of a “hit list,” which concerned them after the spate of school shootings. While the list was in existence, however, there was no disruption of the school system. The principal testified that he was completely unaware of the list until he learned about it on May 3, 1999.

The Local Board argues that the Students are subject to discipline because they created the situation where parents and students were concerned about students’ names being on a “hit list.” The evidence, however, shows that the list was a forgotten issue until the principal began asking students about it. There was no evidence to show that the term “hit list” had any malevolent meaning. While the list was in existence, there was no disruption of the school, and there was no evidence that any students were threatened or intimidated by the Students. The State Board of Education, therefore, concludes that there was no evidence that the Students violated any of the Local Board’s rules.

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board failed to present any evidence that the Students violated any rules of policies of the Local Board. The Local Board’s decision, therefore, is hereby
REVERSED.

This 9th day of September 1999.


Bruce Jackson
Vice Chairman for Appeals