

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M. D.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2001-38
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by M. D. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him until May 24, 2001 after finding him guilty of being involved in igniting a smoke bomb in the high school as part of a senior prank. This case is a companion case to *C. S. v. Gwinnett Cnty. Bd. of Educ.*, Case No. 2001-37, also decided today. The Student complains that there was an abuse of discretion because his punishment was different than the punishment of some of the other students involved in the incident. The Local Board’s decision is sustained.

On January 10, 2001, the Student brought a smoke bomb to his high school and gave it to another student. Later in the day, another student lit the bomb and disrupted the school activities. The Student initially denied his involvement in the incident, but later admitted that he had supplied the bomb and had disposed of the lighter used to light the bomb. The Student was charged with violating five disciplinary rules: rule 1 – disruption and interference with school; rule 5(b) – behavior that could cause physical injury; rule 6 – possession of fireworks; rule 7 – possession of a lighter, and rule 11 – providing false information.

At the hearing before the student disciplinary tribunal, the Student admitted his involvement and pleaded guilty to each of the charges. The tribunal then suspended the Student until May 24, 2001, with the opportunity to attend alternative school. The Local Board upheld the tribunal’s decision when the Student appealed. The Student then filed an appeal to the State Board of Education.

On appeal to the State Board of Education, the Student claims that he was punished differently than some of the other students involved in the incident, the punishment was too harsh, and the Local Board failed to provide a written decision with findings of fact and conclusions of law.

As we discussed in *C. S. v. Gwinnett Cnty. Bd. of Educ.*, Case No. 2001-37, also decided today, there are numerous reasons for students to receive different punishments when they seem to be similarly situated. In the instant case, the Student procured the bomb and brought it to

school, disposed of the lighter, and denied his involvement. These factors alone are sufficient to provide for different treatment. In addition, there is no evidence in the record that the Student was treated differently. The State Board of Education concludes that the Local Board did not abuse its discretion even if the Student received treatment different than some of the other students involved in the incident.

The Student claims that the Local Board failed to consider his appeal because it did not issue a written decision with findings of fact and conclusions of law. A local board of education, however, is not required to provide written findings of fact and conclusions of law. *See, e.g., Jones v. Montgomery Cnty. Bd. of Educ.*, Case No. 1982-13 (Ga. SBE, Nov. 11, 1982). If there is any evidence contained in the record, then the local board's decision will be upheld on appeal unless there has been a gross abuse of discretion or other error. *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).

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion and is not required to issue written findings of fact or conclusions of law. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of June 2001.

Bruce Jackson
Vice Chairman for Appeals