

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ASHLEY J.,	:	
	:	
Appellant	:	
	:	CASE NO. 1987-36
V.	:	
	:	
DEKALB COUNTY BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

PART I

SUMMARY

This is an appeal by Ashley J. (hereinafter "Student") from a decision of the DeKalb County Board of Education (hereinafter "Local Board") to affirm the decision of its Student Evidentiary Hearing Committee to suspend the Student for ten days and to place the Student on probation for the remainder of the 1987-1988 school year. The Student's mother contends on appeal that the punishment was too harsh.

PART II

FACTUAL BACKGROUND

On the last day of the 1986 1987 school year, the Student was standing in the hall of his school with some other students. One of the other students lit a firecracker which did not go off. The Student picked up the firecracker and put it back down.

The assistant principal suspended the Student and, as was required by policy for the offense, referred the matter to the Student Evidentiary Hearing Committee. The Student

Evidentiary Hearing Committee held a hearing where the Student admitted the conduct described above. All other testimony regarding the Student showed the Student to be a good Student with no previous disciplinary history.

The Student Evidentiary Hearing Committee suspended the Student for ten days and placed the Student on probation during the remainder of the 1987 1988 school year. The Student appealed the decision to the Local Board, which sustained the decision of the Student Evidentiary Hearing Committee on August 4, 1987. The Local Superintendent reduced the suspension to a five day in-school suspension. The Student filed this appeal on August 24, 1987.

PART III

DISCUSSION

The Student contends on appeal that the punishment was too harsh and that the decision was based on hearsay. The record shows that, during the hearing, the Student admitted that he was with a group of students who decided to set off a firecracker, and that he was acting just like everybody else.

The State Board of Education is not authorized to substitute its judgment for that of the local board and must sustain the decision of the local board if there is any evidence to support the local board's decision, absent an abuse of discretion or violation of law by the local board. See, *Ransum v. Chattooga Cnty. Bd. of Ed.*, 144 Ga. App. 783 (1978); *Antone v. Greene Cnty. Bd. of Ed.*, Case No. 1976 11. The Student has not provided any legal basis upon which the State Board of Education could base a reversal of the decision of the Local Board. The Student admitted that he was involved in the activity of setting

off firecrackers. The harshness of the punishment is a matter within the discretion of the Local Board, not the State Board of Education.

PART IV

DECISION

Based upon the foregoing discussion, the record submitted, and the briefs and arguments presented, the State Board of Education concludes that there was evidence to support the decision of the Local Board and the discipline imposed by the Local Board was within its authority. The decision of the Local Board is, therefore,

SUSTAINED.

A handwritten signature in black ink, appearing to read "Larry A. Foster, Sr.", written in a cursive style.

LARRY A. FOSTER, SR.
Vice Chairman for Appeals