

During the hearing, the Student admitted he had the brass knuckles and he was aware of the rules. The Tribunal found the Student guilty of violating Rule 6 by possessing brass knuckles on school grounds. The Tribunal decided to expel the Student from school, but to waive the expulsion after a long-term suspension for the remainder of the 1992-1993 school year, with the Student being allowed to attend another Fulton County high school beginning with the 1993-94 school year under a strict disciplinary contract. The Local Board voted to uphold the decision of the Tribunal on June 10, 1993. A timely notice of appeal was filed with the State Board of Education.

PART III

DISCUSSION

The Student maintains on appeal that the decision of the Local Board is arbitrary and capricious or an abuse of discretion considering the facts and circumstances of the case and the absence of any prior disciplinary violations.

“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, Co/son 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-Spa/ding County Bd. of Educ.*, Case No. 1992-12 (Ga. SBE, Jul. 9, 1992).

The rule adopted by the Local Board is within its authority and responsibility to insure the safety of all its students. The State Board of Education concludes that there was no showing that the Local Board’s decision was arbitrary, capricious or resulted from an abuse of discretion.

The Student also maintains on appeal that the Tribunal violated its own procedures when it allowed the Director of Student Discipline to offer a recommendation. Paragraph 3 (k) of the Description of Proceedings states that:

The Student or his representative shall present his closing argument and recommendation first, followed by the closing argument and recommendation of the administration.

“Administration” is defined as “the principal or other designated person to whom authority has been delegated.” There is nothing in the record to show that the Director of Student Discipline is not a part of the Administration. The State Board of Education concludes that no error occurred when the Tribunal received a disciplinary recommendation from the Director of Student Discipline.

The Student also contends that the Administration is allowed to make only one recommendation. The Principal made a recommendation upon referring the matter to the Tribunal and the Director of Student Discipline made a recommendation. The Local Board’s

policies, however, do not contain any language of limitation. The State Board of Education concludes that no error occurred because more than one disciplinary recommendation was made.

PART IV

DECISION

Based upon the foregoing and the record received, it is the opinion of the State Board of Education that the Local Board's decision was not arbitrary or capricious or an abuse of discretion. The Local Board's decision, therefore, is

SUSTAINED.

This 11th day of November, 1993.

Robert M. Brinson
Vice Chairman for Appeals