

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

C. R.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1993-32
vs.	:	
	:	DECISION
HENRY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by C. R. (Student) from a decision by the Henry County Board of Education (Local Board) to permanently expel him from the Henry County School System because he had a clip of nine-millimeter ammunition in his pocket. The Student claims that the punishment was unduly harsh. The Local Board's decision is sustained.

The Local Board has a policy that provides:

The term 'explosive compound' shall mean any ..bullet ..or any other type of explosive device. It is unlawful for a student to carry or to possess or to have under such person's control while at a school building ..or on school property ..any such explosive compound. A student who violates this policy will be disciplined as hereinafter provided.

The Local Board's policy further provides that any student found guilty of violating the policy on explosives will be expelled.

The Student is thirteen years old and was in the sixth grade. On May 21, 1993, the principal at the Henry County Junior High School found a clip of nine-millimeter ammunition in the Student's pocket. The Student claimed that another student had given him the clip earlier in the day.

On July 8, 1993, the Local Board upheld the decision of a Disciplinary Tribunal, made on May 26, 1993, to permanently expel the Student. The Student filed a timely appeal with the State Board of Education.

"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). In this case, there is no question that the Student possessed the clip of nine-millimeter ammunition. The only question is whether imposing the punishment of permanent expulsion represents an abuse of discretion.

“With the increased incidence of students carrying guns and other weapons onto school campuses, local boards of education must institute policies to protect the welfare of all the students.” *Malcolm J. v. Muscogee Cnty. Bd. of Educ.*, Case No. 1993-2 (Ga. SBE, Mar. 11, 1993). If a student brings a weapon, or, as in this case, bullets that can be used in a gun, or that can be exploded and cause serious injury or death without a gun, then the local board can reasonably expel the student in the interests of protecting the larger student population. The State Board of Education concludes that the Local Board did not abuse its discretion by permanently expelling the Student.

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board did not abuse its discretion by permanently expelling the Student for possessing an explosive on the school campus. The Local Board’s decision, therefore, is

SUSTAINED.

This 11th day of November, 1993.

Robert M. Brinson
Vice Chairman for Appeals