

principal met with the parents the following morning. They told him the Student did not own a knife and they did not allow any knives in the home. The principal turned the matter over to a Student Discipline Tribunal with a recommendation of permanent expulsion.

The Student Discipline Tribunal found the Student guilty of possessing a knife on school grounds and expelled him for one year. The Student appealed to the Local Board, but the Local Board upheld the Student Discipline Tribunal's decision. The Student then appealed to the State Board of Education.

On appeal, the Student claims that the punishment is too harsh. He also claims that the Local Board violated his rights under the Individuals with Disabilities Act, 84 Stat. 175, as amended, 20 U.S.C. §§ 1400 *et seq.*, because he has been diagnosed as having attention deficit disorder.

“A local board of education is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. *See, Boney v. County Board of Education of Telfair County*, 203 Ga. 152 (1947); *Braceley v. Burke County Bd. of Ed.*, Case No. 1978-7.” *Joseph M v. Jasper Cnty. Bd. of Educ.*, Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). “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, Colson 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. Grffin-Spalding County Bd. of Educ.*, Case No. 1992-12 (Ga. SBE, Jul. 9, 1992). “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 JJ v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991).

In this case, the Student admittedly had a knife on school grounds. We are unable to determine from the record whether Rule 6 of the Local Board's Behavior Code and Discipline Policy admits of any extenuating circumstances or the Student Disciplinary Tribunal simply did not believe the Student's explanation of how he came into possession of the knife because neither the Student Disciplinary Tribunal nor the Local Board entered any findings of fact and the Local Board's Rule 6 was not introduced in evidence. Since the State Board of Education cannot substitute its judgment for that of the Local Board, and there has not been any showing of any abuse of discretion, we conclude that there is some evidence to support the Local Board's decision.

The Student's claim that his rights under the Individuals with Disabilities Act, 84 Stat. 175, as amended, 20 U.S.C. §§ 1400 *et seq.* have been violated is misplaced because he has not been identified as a disabled student under the provisions of the Act. Although the Student's parents claimed that he has attention deficit disorder, there is nothing in the record to indicate that the Student qualifies for any protection under the Act. The State Board of Education,

therefore, concludes that the Local Board did not violate any of the Student's rights under the Act.

Based upon the foregoing, it is the opinion of the State Board of Education that there was some evidence to support the Local Board's decision and there was no showing that the decision was arbitrary or capricious. The Local Board's decision, therefore, is SUSTAINED.

This 10th day of March, 1994.

Mr. Williams was not present. Mr. Lathem's seat is vacant due to his resignation effective December 31, 1993.

Robert M. Brinson
Vice Chairman for Appeals