

STATE BOARD OF EDUCATION

STATE OF GEORGIA

LARRY C., :
 :
 :
 Appellant, :
 : **CASE NO. 1994-7**
vs. :
 : **DECISION**
 :
 BEN HILL COUNTY :
 BOARD OF EDUCATION, :
 :
 Appellee. :

This is an appeal from a decision by the Ben Hill County Board of Education (Local Board) to permanently expel Larry C. (Student) from the Ben Hill County School System because he had two handguns and ammunition for one of them on school grounds. The Student maintains on appeal that the decision of the Local Board was too harsh. The decision of the Local Board is sustained.

On November 15, 1993, the Student brought two handguns and ammunition for one of them to school. While fumbling in his book bag, one of the guns fell on the floor. A teacher saw the gun and sent another student to get help. The Student was taken to the office. He told the Principal that there was a second gun in his book bag. The Principal found the other gun and a clip with ammunition for one of the guns in the bag. A disciplinary hearing was held on November 23, 1993.

At the Student Disciplinary Hearing, the Student admitted he had two guns and a clip of ammunition on school grounds. Evidence was presented by two teachers that the Student is a quiet student and has never been a discipline problem. The Student testified that he brought the handguns to school to get attention and that he never intended to hurt anybody. The Student Disciplinary Tribunal found the Student guilty of possessing two handguns and ammunition for one of the guns on school grounds and voted to expel him from Ben Hill Middle School for the remainder of the fall semester and to allow him to return in January to be placed in the Alternative Program at Ben Hill Middle School. The Ben Hill County School District appealed the decision of the Student Disciplinary Tribunal to the Local Board. On December 16, 1993, the Local Board voted to permanently expel the Student from the Ben Hill County School System. A notice of appeal to the State Board of Education was received on January 10, 1994.

The Local Board has a rule that prohibits students from possessing weapons on school grounds. On appeal, the Student maintains that the punishment was too harsh. However, "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. Griffin-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 J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). In the instant case, the Student admitted that he possessed two handguns and ammunition for one of the guns on school grounds.

Permanent expulsion for possessing a gun on school grounds is not too harsh and is reasonably related to protecting other students from harm. The State Board of Education, therefore, 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 there was evidence to support the Local Board's decision and the Local Board did not abuse its discretion by permanently expelling the Student because he had a gun on school property. The Local Board's decision, therefore, is

SUSTAINED.

This 14th day of April, 1994.

Mr. Brinson, Mrs. King, Dr. Thomas and Mr. Williams were not present.

Richard C. Owens, Chairman
State Board of Education