



### **PART III DISCUSSION**

The Local Board Policy Section IV provides in part:

The following specific behavior will result in an immediate suspension from school for a period of five days...with the matter being submitted to a Disciplinary Hearing Officer:

6. possessing or having under control any weapon or explosive compound while at school...

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)." Martinus 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 he had a pipe on school grounds and that he planned to use it if necessary. The Student could have caused serious harm or death if he hit another student with the pipe. The Local Board's need to protect the other students serves as a sound basis for long-term suspension. The State Board of Education, therefore, concludes that the Local Board did not abuse its discretion by suspending the Student for the remainder of the 1993-1994 school year.

### **PART IV DECISION**

Based upon the foregoing, the State Board of Education is of the opinion that the Local Board did not abuse its discretion and there was evidence to support the Local Board's decision. The Local Board's decision, therefore, is

SUSTAINED.

This 14<sup>th</sup> day of April, 1994.

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

Richard C. Owens, Chairman  
State Board of Education