

**STATE BOARD OF EDUCATION  
STATE OF GEORGIA**

<b>M.G.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>v.</b>	:	<b>CASE NO. 2011-37</b>
	:	
<b>GWINNETT COUNTY BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

This is an appeal by M.G. (“Student”) from a decision by the Gwinnett County Board of Education (“Local Board”) permanently expelling him from school. The Local Board took these actions because it found that the Student violated the Local Board’s rules by stealing property with a value in excess of \$100.00. For the reasons set forth below, this appeal is **SUSTAINED**.

**I. BACKGROUND**

The Student attended Duluth High School. On or about October 15, 2010, the Student stole a student’s book bag and gave it to another student. The other student left the book bag in the restroom. The Student then went to the restroom and took the car key from the book bag. As a result, the Local Board charged the Student with theft and destruction of property.

On October 27, 2010, the Student was provided a hearing. At the hearing, the Student admitted to taking the book bag and giving it to the other student. The Student further admitted that the other student took the book bag to the restroom. The Student admitted that he went to the restroom and took the car key from the book bag. The Student admitted he took the car key home, and then threw it out on the road. The Student admitted that he was questioned by the police about the key. The Student admitted that he retrieved the car key and returned it to school. The car key had been damaged. The student who owned the car key testified the cost for replacing it is about \$1,500.00.

After hearing all the evidence, the hearing officer suspended the Student and recommended that the Student be permanently expelled. The hearing officer’s decision and recommendation was based upon the Student’s conduct in this case, and his prior disciplinary record consisting of three (3) prior disciplinary hearings. The Local Board affirmed the decision of the hearing officer. The Student has appealed the Local Board’s decision to this Board.

## **II. ERROR ASSERTED ON APPEAL**

### **A. Record Evidence.**

The Local Board has the burden of proof when it charges a student with an infraction of its rules. Scott G. v. DeKalb County Bd. of Educ., Case No. 1988-26 (Ga. SBE, Sep. 1988). If the Local Board meets its burden, the State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision, unless there is abuse of discretion or the decision is arbitrary and capricious as to be illegal. See Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 1976). “[T]he State Board of Education will not disturb the finding [of the Local Board] unless there is a complete absence of evidence.” F.W. v. DeKalb County Bd. of Educ., Case No. 1998-25 (Ga. SBE, Aug. 1998).

In this case, the Student admitted to stealing the book bag and the car key. The Student admitted to taking the car key and throwing it on the road. The Student admitted to retrieving the car key and returning it only after he was questioned by the police about the car key. The car key had been damaged, and the replacement cost is approximately \$1,500.00. Thus, the decision of the Local Board is supported by the evidence.

## **III. CONCLUSION**

Based upon the reasons set forth above, it is the opinion of the State Board of Education that the evidence supports the decision of the Local Board and it is, therefore, **SUSTAINED**.

This \_\_\_\_\_ day of March 2011.

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MARY SUE MURRAY  
VICE CHAIR FOR APPEALS