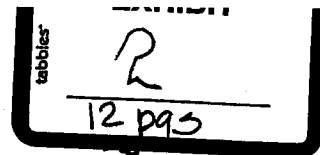


**STUDENT DISCIPLINARY HEARING
NOVEMBER 7, 2005**



**MILES RANKIN
DUTCHTOWN MIDDLE SCHOOL**

PLEASE NOTE: Indicates when tape is inaudible.

- Indicates when a person pauses for a moment or two and then continues speaking.

Mr. Parker: Today is November 7, 2005 at approximately 12:37 p.m. and I'm calling the hearing in the matter of Miles Rankin to order. My name is Earl Parker and a Discipline Hearing Officer for the Henry County School System. This hearing is being tape recorded so we can have a verbatim record of the proceedings today.

Miles are you receiving any special education or 504 services at this time?

Miles Rankin: No.

Mr. Parker: Can you verify that Mr. Iddings?

Mr. Iddings: That is correct.

Mr. Parker: Thank you sir. There's two possible parts to this hearing; to determine guilty or innocence and if you are found guilty, we'll be giving you discipline action today. If you have a question during the hearing, stop me and I'll explain it to the best of my ability. And I want to remind you that we are tape recording so speak loudly and clearly enough for the tape recorder to take down what you say. Ok?

Miles Rankin: Yes.

Mr. Parker: Thank you. All right at this time, give me your name please.

Miles Rankin: Miles Rankin.

Mr. Parker: And your age.

Miles Rankin: 12.

Mr. Parker: And your grade.

Miles Rankin: 7th.

Mr. Parker: And your home address.

Miles Rankin: 687 Hennepin Terrace, McDonough, Ga.

Mr. Parker: Is that 30-

Miles Rankin: 30253.

Mr. Parker: Thank you sir. And what is your home phone number please?

Miles Rankin: 678-583-4151.

Mr. Parker: Ok. Thank you. Ma'am, if you will, give me your name and how you are related to Miles, please?

Ms. Johnson: My name is Joy Rankin Johnson. I am Miles' mother.

Mr. Parker: Ok, you at the same address and same phone number, ma'am?

Ms. Johnson: That is correct.

Mr. Parker: Thank you. Representing the school today?

Mr. Iddings: Ross Iddings, Principal, Dutchtown Middle School.

Mr. Parker: Thank you sir. Uh – as we have talked – Ms. Iddings said you had come in this morning and signed the notification, is that correct, ma'am?

Ms. Johnson: That is correct.

Mr. Parker: And you can verify these signatures on here?

Ms. Johnson: Yes.

Mr. Parker: Ok. You can verify the top one, right Miles?

Miles Rankin: Yes.

Mr. Parker: All right. Mr. Iddings, if you will sir, read the notification in the record, skipping number 6 please.

Mr. Iddings: Um'k. Miles you and your parents are notified as follows:

1. That you have been charged with violating the following rules and regulations of the Henry County Board of Education on November 2, 2005 at approximately 12:10 p.m. by violating the Henry County Schools Student Discipline Code, section 3.4, possessing any weapon while at school or a school function. Specifically Miles had a knife, which was a 2-inch switchblade waving around in the boys' restroom – in the 7th grade boys' restroom.
2. You're suspended from all school activities for a period not to exceed 10 days pending your disciplinary hearing. During this time, you will not be allowed to attend or participate in extra-curricular activities, including athletic events.
3. That the rules and regulations of the Henry County Board of Education require that the above-stated charge be submitted to a Disciplinary Hearing Officer for determination as to whether or not a long term suspension or expulsion should be entered.
4. That the maximum penalty that you could receive for the violation of the above-stated rule and regulation is expulsion from school.
5. That the matter has been scheduled before the Disciplinary Hearing Officer at said school at 12:30 p.m. on the 7th day of November 2005 to determine whether or not further disciplinary action should be taken against you.
6. Deals with special education rules and rights and that does not apply so we will omit that.
7. We list the witnesses who could possibly testify against you; however, they will not be called pending your instructions.
8. At the hearing before the Disciplinary Hearing Officer, you have the right to present witnesses on your behalf. If a witness refuses to testify on your behalf, you have the right to require the witness to be present by compulsory process. If you desire a subpoena to be issued for this purpose, you must notify the Superintendent prior to the hearing.
9. At the hearing before the Disciplinary Hearing Officer, you have the right to examine any witnesses who are presented in this matter.
10. At the hearing before the Disciplinary Hearing Officer, you have the right to have an attorney employed by you present at the hearing to represent the student's interest.

11. At the hearing before the Disciplinary Hearing Officer, you have the right to waive the hearing by appearing at the hearing and executing the necessary waiver.

12. A verbatim electronic recording will be made of this hearing.

Mr. Parker: Thank you sir. Miles do you and your mom understand 1-7 as they were read into the record?

Miles Rankin: Yes.

Ms. Johnson: Yes.

Mr. Iddings: Here's another copy if you want reference point.

Ms. Johnson: Thank you.

Mr. Iddings: Thank you.

Mr. Parker: You have any questions regarding 1-7?

Ms. Johnson: No, I do not.

Mr. Parker: Ok. Thank you. Uh – I'm goin' go over 8-012 with you. These are your rights. I want to make sure you understand these Miles, before we go any further today. And 12 simply states that we are – are tape recording today. 8. You have the right to present witnesses on your behalf. If you wanted someone to come here and testify on your behalf Miles and they refused to do so, you could have had them subpoenaed by the Superintendent's office, made to come here and give testimony. Do you understand that?

Miles Rankin: Yes.

Mr. Parker: Ok. 9. You have the right to cross-examine or question witnesses who are presented in this matter. Do you understand that?

Miles Rankin: Yes.

Mr. Parker: 10. You have the right to have an attorney here, employed by you for your interest. Do you understand that?

Miles Rankin: Yes.

Mr. Parker: And 11. You have the right to waive the hearing, by appearing at the hearing and executing the necessary waiver. And a waiver is a document

that if you sign this document, Miles, it says you are guilty of the charges the school is bringing against you. You understand that?

Miles Rankin: Yes.

Mr. Parker: If you sign this document, you can not later come back and say you are not guilty. Do you understand that?

Miles Rankin: Yes.

Mr. Parker: If you sign this document, you, we will not have sworn testimony, evidence or witnesses presented to me, uh huh, because you are admitting the charge. Do you understand that?

Miles Rankin: Yes.

Mr. Parker: But you never give up the right to appeal the punishment or sentence that I will give you. Do you understand that?

Miles Rankin: Yes.

Mr. Parker: You wanta waive the hearing today – and sign the document saying you are guilty of the charge?

Miles Rankin: Yes sir.

Mr. Parker: Mom, you agree with what he says?

Ms. Johnson: Yes.

Mr. Parker: Ok. What I will do is go off the record and prepare that document, come back on the record and read it into the record. Ok.

Miles Rankin and Joy Rankin Johnson have been informed that the undersigned student has been charged with certain offenses which are more particularly set out in the attached notice, which charges if true constitute grounds for long-term suspension or expulsion from the Henry County School System.

We understand that the under-signed student has a right to a hearing on said charges and that if the hearing is conducted, sufficient evidence will have to be presented to the Disciplinary Hearing Officer to substantiate said charges.

We've been given reasonable notice of the charges and a list of witnesses who will testify to substantiate the charges.

We further understand the following:

That if a hearing is conducted we will have the right to cross-examine witnesses and present evidence in defense of said charges.

That we would have the right to subpoena witnesses to testify on behalf of the student.

That we would have the right to have an attorney that is employed by us to represent the student in this matter.

That if a hearing is conducted, a verbatim electronic record of the hearing will be made.

That the student will have the right to appeal the decision of the Disciplinary Hearing Officer, to the Board of Education, but if the decision of the Board of Education is adverse to us, we will have the right to appeal to the State Board of Education and thereafter, an appropriate state or federal court.

After reviewing all the above-stated matters, I, the under-signed student admit that I committed the charges and the violation of the rules and regulations of the school and/or the Board of Education of Henry County as set forth in said notice. We do hereby freely and voluntarily waive the hearing before the Disciplinary Hearing Officer and our right to appeal my admission of the commitment of the charges to the Board of Education of Henry County, our right of appeal to the State Board of Education, and our right to any subsequent review by any court of this state or of the United States of America of this matter.

Do you understand what I've read?

Miles Rankin: Yes.

Ms. Johnson: Yes.

Mr. Parker: Ya'll have any questions at all?

Ms. Johnson: No. Actually, this has noth- - this is a little different than let's say the outcome of the punishment that will be given.

Mr. Parker: Yes ma'am.

Ms. Johnson: Ok.

Mr. Parker: This is only saying that he is admitting the charges –

Ms. Johnson: Sure.

Mr. Parker: So this is not talking – the only part of this. You still have the right to appeal the punishment –

Ms. Johnson: Ok.

Mr. Parker: If you feel it is too harsh. Ok. At this time Miles and your mom, I'm gonna ask you to sign this document; on this line right here, Miles, where it says student please.

Ms. Johnson, if you sign right underneath his name, please.

Ms. Johnson: Uh huh.

Mr. Parker: If you will hand that to Mr. Iddings; I'm goin' ask him to witness those two signatures if you will.

Ms. Johnson: Oh, I'm sorry.

Mr. Iddings: That's ok.

Ms. Johnson: real the same thing. Um huh.

Mr. Parker: Right above my name please.

If I may have those copies back, I will use them at my next hearing.

Mr. Iddings: Is this yours or?

Ms. Johnson: That one's mine.

Ms. Johnson: That one's his; he let me use it.

Mr. Parker: All right. You have any witnesses you need to release at this time?

Mr. Iddings: I do not.

Mr. Parker: Ok. Mr. Iddings, if you will give me the facts of the case, please sir.

Mr. Iddings: Ok. The facts of the case are we had a student report to his teacher that, uh, as he was coming back into the room, that Miles was in the restroom, with a knife. My investigation involved interviewing several students; all of whom identified Miles as having the knife. None of them said that they felt threatened or that felt like Miles was gonna harm them. That was not his intent. He was playing around with his knife and waving it

around, be that as it may, he was in possession of the knife here at the school.

Mr. Parker: Ok. Miles do you want to add anything or correct anything that he had said sir?

Miles Rankin: Um no.

Mr. Parker: Ok. At this time, will you give me his grades, attendance and discipline, please?

Mr. Iddings: You will see on the first page, his academic records, uh, progress report that's going home today, language arts he has an 83; reading a 91; advanced pre-algebra, a 90; science, an 82; social studies, a 79; good job at bringing that up Miles; physical education, a 92; and health, a 71.

Ok. If you will turn over to the next section, you will see that his attendance has not been an issue at all. He has not had any unexcused absences or excused absences for that matter. The only time he has not been in the classroom was for one incident with ISS until he was suspended here.

Mr. Parker: Ok.

Mr. Iddings: So attendance is not an issue for Miles at all.

And you will see his discipline record. This dates back to when Miles came to us at the beginning of last school year; has some minor things, but nothing major.

Mr. Parker: Ok. Ms. Johnson, do you have any questions regarding the school records ma'am?

Ms. Johnson: No.

Mr. Parker: Ok. Mr. Iddings do you have a recommendation at this time?

Mr. Iddings: My recommendation would be that he be expelled with permission to go to Patrick Henry for the remainder of the school year.

Mr. Parker: Ok. Ms. Johnson, Miles, do ya'll understand his recommendation?

Ms. Johnson: Yes we hear his recommendation.

Mr. Parker: Ok. You have any statements or anything you'd like to say at this time?

Ms. Johnson: Yeah, I think I'm – you know – that I know to course to go to Mr. Iddings and indicate some of the things that were experienced as a result of this case and coming to a realization of my impact or my involvement in not always supporting, possibly Mr. Iddings and other authorities in disciplining Miles or bringing to the surface the reality some of his behaviors. This incident has really just changed the whole course of how we as a family, and Miles himself, in terms of our action and, uh, decisions in moving forward. I have some concerns about him being out of the school environment for an entire school year or at least a large portion of it – that concerns me because I don't know who he will be when it's time to go back into an environment with other kids in 8th grade. Though we know it is important that his education continues, we really want the highest level of interaction and exchange with educators, and I don't really understand the alternative setting, but I'm concerned because Miles – I don't want him to feed off of behaviors at – the very thing Mr. Iddings and I had an opportunity to talk about what glamorizes some of the choices that they make. And him being in an environment where there might be a breeding of behavior there that's a given to act a certain way and that's why those students are there. Uh, I, uh, have concerns about him being in any environment for too long a period to adopt or adapt some of that thinking and some of those choices. Uh-h-h again, this – this has changed us. This has really – I mean it was a rude awakening. It made me realize how much I've always been in defense of Miles and that was through elementary probably perspective- perspective as well. I've had an opportunity to share a little bit of some thoughts and concerns with Mr. Iddings in terms of what happens in the middle school development. You know, I don't know, if him just being out for the remainder of this section of the semester and then returning after that, uh, we're hoping him coming back and indoctrinated back into the school setting and indoctrinated back into the classroom environment. I want to see Miles help his teachers. I want to see Miles help students be turned around. And I'm hoping that our time – his time being spent in the environment that he was in – he can speak better of that than I can; 'cause that's a choice that he will have to make. I mean, I could sit here, and suggest and hope and, you know, try to tell him into that, but it has to come from him. And I guess I'm thinking of who Miles has always been until this age frame. And this age frame has been a little bit of a challenge. Even the environment, this is a new school setting and environment – not because it is a new school but even the population – the type of students that Miles has always been educated with and that doesn't make an excuse for his choices at all. But I think that he needs to understand his role is pivotable. And if he has a following of student, where he has respect of classmates. He needs to use that to the advantage of his class, teachers and himself. Course Mr. Iddings' supporting him. Everything, you know in terms of school spirit, 'cause he is an athlete as well. I don't know if that is in the record; it has been a discussion, so he's well known for his athleticism as well and so, I, just want him to be so aware

of his choices and so I don't want – I'm not trying to scapegoat that. He needs to be punished. There needs to be something in place that he realizes and we've had the last 48 hours experiences we have never been through from him being arrested here at the school and taken over to regional juvenile center and it just unfolding for the court proceedings as well.

Mr. Parker: Yes ma'am.

Ms. Johnson: And so we can have one incident that seems like we learned a lesson, but then it's walking the walk. And he needs to walk the walk. I just have a thought about him being removed from a school environment for an entire school year, and walking that walk. But Miles would have to be – he has to be able to talk about his own commitment to change, and what his fore thoughts are after this has gone unfolded this way.

Mr. Parker: Ok. Miles would you like to say anything at this time?

Miles Rankin: Nuh nuh. I – probably like – me would like to say that I know–

Mr. Parker: Speak up for me please.

Miles Rankin: I would like to say that I know I was wrong for what I did and like playing around it unfolded and going to, uh, detention center and coming here, possibly expelled from school, and I, uh, didn't really, I knew the consequences but I didn't think that would happen to me 'cause I guess in a way I thought I was above the rules.

Mr. Parker: Ok. All right. At this time I will take a recess to make my determination. I ask ya'll to step out of the room and I'll call you back in in just a few minutes. Ok. Thank you.

Going back on the record. You are hereby notified that it is the finding of the Discipline Hearing Officer of the Henry County School System that you violated the following rules and regulations of said school and the Henry County Board of Education in that you signed a waiver admitting to violating a section III, number 4 of the Henry County Schools Student Handbook, by possessing a switchblade knife, with a 2-inch blade, on the school premises.

You are further notified that an expulsion from Henry County Schools' activities, including regular school activities, extra-curricular activities, and athletic events is hereby imposed, commencing November 7, 2005 and terminating after May 26, 2006. Your expulsion may be served in the alternative school at Patrick Henry. And the student may return to Dutchtown Middle School at the beginning of the 2006-2007 school year.

If the student is authorized to attend the alternative school and elects to do so, the student must comply with the rules and regulations of the alternative school. Violation of the rules and regulations of the alternative school may result in dismissal from that program. The student will be responsible for providing his/her own transportation to and from the alternative school premises.

you are further notified you have the right to appeal the decision to the Henry County Board of Education, by giving written notice to the Superintendent within 20 days from the date hereof. Your written notice should be hand delivered or mailed to the Superintendent of Henry County Schools, 33 N. Zack Hinton Parkway, McDonough, GA 309253. If you appeal this decision, you have the right to be represented by legal counsel at your expense, at any such appeal and during all subsequent proceedings.

Signed Earl Parker, Discipline Hearing Officer, the 7th day of November 2005.

Miles do you and your mom understand what I've read?

Miles Rankin: Yeah.

Ms. Johnson: You do – ok – ok – I'm sorry.

Mr. Parker: That's ok. You have any questions ma'am?

Ms. Johnson: No. You're just – you can - you're gonna take the suggestion of Mr. Iddings and then –

Mr. Parker: Yes ma'am. That would – this is my findings. Is what I've – I've determined that what his punishment should be is expulsion through the end of the school year, with a chance to go to Patrick Henry, the alternative school. He can return to this school at the beginning of the 2006-2007 school year. Ok.

Miles, if you will, sign this document, stating that I've read this to you and you will receive a copy. If you will sign on this top, please, right there.

Ms. Johnson: Can I ask some questions –

Mr. Parker: Yes ma'am.

Ms. Johnson: Is it ever explained why – the explanation as to why the severity of the time that – I mean if I'm gonna ask why there is a –

Mr. Parker: Well that's – yes ma'am – you can. That's just – it was just the evidence that was presented, him signing the waiver for a section III offense, of bringing a weapon to school, is why I had to put him out because one I don't feel if I would've given him a long-term suspension, which is for the first semester, I do not feel that is warranted enough time for the punishment of what he did. So that's why I put him out for the year or through the end of this year.

Does that make sense?

Ms. Johnson: That's an explanation. Thank you.

Mr. Parker: Ok.

Ma'am if you will sign underneath his name please.

This concludes the hearing.

The tape was turned off.