

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JOSH W.,	:	
Appellant,	:	
	:	CASE NO. 1991-15
v.	:	
	:	DECISION
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
Appellee.	:	

PART I

SUMMARY

This is an appeal by Josh W. (“Student”) from a decision by the Gwinnett County Board of Education (“Local Board”) to uphold the decision of a Disciplinary Panel to permanently expel him because he assaulted a teacher. The Student claims that the punishment is too severe as he was undergoing stress due to his parents’ divorce.

PART II

FACTUAL BACKGROUND

On February 14, 1991, the Student, a fifteen-year-old tenth grader, was in a lab class. The class policy is that during a lab all students must wear safety goggles. The teacher had repeatedly told the Student to put on his goggles. After the third request, the Student was told to sit down and take a zero in the lab. When the teacher, who was at his desk, looked up again the Student had gone to the rear of the class and was talking with other students. The teacher then told the Student to collect his books and come to the front of the room as he was being referred to the Assistant Principal for failure to comply with lab safety regulations. The Student came to the front of the room and said, “Why don’t you make me go down there.” The Student then knocked folders and other things off the teacher’s desk. The teacher told a student aide to get the

Assistant Principal. At this time, the Student jumped over the counter and attacked the teacher, hitting him several times in the face. The Assistant Principal was notified and the Student was arrested by officials of the school system. The Student was later released into the custody of his parents pending a juvenile hearing.

On February 15, 1991 the Student's parents were given written notice that a Disciplinary Panel would conduct a hearing on February 25, 1991 and that the Student had violated "Rule #4 Assault on School Employee," "Rule # 8 Disregard of Directions or Commands," and "Rule # 11 Other Conduct which is Subversive to Good Order." The hearing was conducted on February 25, 1991.

During the hearing, the Student admitted to attacking the teacher and pleaded guilty to violating all of the charges brought against him. The Student had had many previous discipline problems. The Panel voted to uphold the Principal's recommendation to permanently expel the Student. On March 19, 1991, the Local Board sustained the decision of the Panel. This appeal then followed.

PART III

DISCUSSION

O.C.G.A. 20-2-1160 provides that a notice of appeal must be filed within thirty days of the date of the Local Board's decision.

The Local Board made its decision on March 19, 1991. The deadline for filing the appeal was April 18, 1991; the appeal was not received until April 19, 1991. This appeal was not filed in a timely manner. Consequently, the State Board of Education does not have jurisdiction.

PART IV
DECISION

The State Board of Education does not have jurisdiction over this matter,
therefore this case is hereby

DISMISSED.

This 13th day of June, 1991.

Larry A. Foster
Vice Chairman for Appeals