

STATE BOARD OF EDUCATION

STATE OF GEORGIA

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| MICHAEL H., | : | |
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| Appellant, | : | |
| | : | CASE NO. 1994-10 |
| vs. | : | |
| | : | DECISION |
| DEKALB COUNTY | : | |
| BOARD OF EDUCATION, | : | |
| | : | |
| Appellee. | : | |

This is an appeal by Michael H. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to suspend the Student from all regular DeKalb County schools through the end of the 1994-1995 school year after he was found guilty of (1) hitting two younger students; (2) possessing brass knuckles on the school premises, and (3) creating a disturbance at the school. The Student was given the opportunity to attend the DeKalb Alternative School during the suspension period. The Local Board's decision is sustained.

The charges arose from two separate incidents that occurred on October 8, 1993, and October 11, 1993. On October 8, 1993, the Student and several others were leaving the high school in a pickup truck at the end of the school day. When they passed three junior high school boys, they thought the junior high school boys threw some rocks at them. The driver of the pickup truck drove back to two of the younger boys. The Student jumped from the pickup truck and slapped both students with such force that they were knocked to the ground. One of the junior high school boys was knocked unconscious when his head struck the ground. Both junior high school boys were attended by physicians following the incident.

On the following Monday, October 11, 1993, the Student wore a belt buckle that was fashioned to resemble brass knuckles. The Student removed the belt buckle and placed it in his book bag when he arrived at school. A teacher discovered the belt buckle when the Student was approached about the incident that occurred on October 8, 1993.

The Student was taken to the principal's office, where he was directed to go to the in-school suspension room until his parents could pick him up. The Student refused to enter the in-school suspension room and was taken back to the principal's office. He then attempted to attack the plant engineer and had to be restrained by the principal and another administrator.

The Student claims that the punishment is too harsh. "A local board of education ... is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. See Boney v. County Board of Education of Telfair County, 203 Ga. 152 (1947); Braceley v. Burke County Bd. of Ed., Case No. 1978-7." Joseph M. v. Jasper Cnty. Bd. of Educ., Case No. 1981-40 (Ga. SBE, Feb. 11, 1982).

In this case, there is no indication that the Local Board abused its authority or discretion in suspending the Student from regular classes and permitting him to attend the alternative school. The Local Board's decision, therefore, is

SUSTAINED.

This 12th day of May, 1994

Mr. Billingslea, Mrs. King, Mr. Sessoms and Mr. Williams were not present. Mr. Lathem's seat is vacant due to his resignation effective December 31, 1993.

Robert M. Brinson
Vice Chairman for Appeals