

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ALTONIO G.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1994-25
vs.	:	
	:	DECISION
COLUMBIA COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Altonio G. (Student) from a decision by the Columbia County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to expel the Student for the remainder of the 1993-1994 school year with the proviso that the Student must appear before another Student Disciplinary Tribunal before being allowed to re-enter school. The Tribunal's decision followed its finding that the Student was guilty of hitting another student while on probation for striking a teacher. The Tribunal also had evidence that the Student was involved in twelve disciplinary actions between September, 1993, and December, 1993, which resulted in in-school suspension, after-school detention, Saturday classes, and out-of-school suspension. The Student claims that the Local Board abused its discretion by not assigning him to in-house suspension and that suspension for the remainder of the year is too harsh. The Local Board's decision is sustained.

The Student claims that O.C.G.A. § 20-2-155 requires the Local Board to try in-house suspension rather than suspending him for the remainder of the school year. O.C.G.A. § 20-2-155 declares that it is a policy of the state to assign disruptive students to in-house suspension rather than suspending or expelling them from school. As argued by the Local Board, O.C.G.A. § 20-2-155 establishes a policy, but it does not impose a requirement on local boards of education to only use in-house suspension. In the instant case, the Local Board has unsuccessfully used several disciplinary measures with the Student.

The Student also claims the Local Board's decision 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). Given the Student's history, the State Board of Education concludes that the Local Board did not abuse its discretion in this case.

The Student also claims the Local Board is denying him his constitutional right to an education by suspending him from school for the remainder of the school year. A student, however, does not have a constitutional right to remain in school when the student is a disruptive

force in the school. A local board of education has the authority to impose long-term suspension.
~ Public School Disciplinary Tribunal Act, O.C.G.A. § 20-2-750 et seq.

Based upon the foregoing, the State Board of Education is of the opinion the Local Board did not abuse its discretion and did not violate any provisions of state law. The Local Board's decision, therefore, is
SUSTAINED.

This 14th day of July, 1994.

Mr. Williams was not present.

Robert M. Brinson
Vice Chairman for Appeals