

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ALBERT N., :
 :
 Appellant, :
 : CASE NO. 1994-57
vs. :
 : DECISION
FULTON COUNTY :
BOARD OF EDUCATION, :
 :
Appellee. :

This is an appeal by Albert N. (Student) from a decision by the Fulton County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to suspend the Student for one year, with the option of enrolling in an alternative program at the beginning of the winter quarter of the 1994-1995 school year. The Student poked a second grade student with the open blade of a pocket knife, harassed the student, chased the student home, and then had the knife on campus later in the day. The Student claims that the punishment is too severe. The Local Board's decision is sustained.

On the morning of April 12, 1994, the Student, who is twelve years old and in the seventh grade, took his sister to the school bus stop. While at the bus stop, he accosted a second grade student with an open pocket knife in his hand. He poked the student in the chest and threatened to cut his heart out. The second grade student ran home and the Student chased him. The Student then took the knife to school, where it was discovered in the Student's pocket by an assistant principal. The Student was charged with violating Rules 1-h, 5, and 6 of the Fulton County Student Disciplinary Code, which, respectively, address disruption and interference with school, assault and battery by a student, and possession of a weapon.

A Student Disciplinary Tribunal conducted a hearing on April 26, 1994. The Student admitted his guilt to the charges and the Student Disciplinary Tribunal decided to suspend him for one year, with the opportunity to attend the "Second Chance Program" at another school at the beginning of the winter quarter of the 1994-1995 school year. The Student appealed the decision to the Local Board, which affirmed the Tribunal's decision on June 10, 1994. The Student then appealed to the State Board of Education and claimed that the punishment was too harsh because he was merely teasing the second grader.

"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).

The Student has not shown that the Local Board committed any error of law in imposing the suspension. The Local Board's decision, therefore, is
SUSTAINED.

This 10th day of November, 1994.

Mr. Sessoms was not present.

Robert M. Brinson
Vice Chairman for Appeals