

STATE BOARD OF EDUCATION

STATE OF GEORGIA

T. T.,	:	
	:	
	:	
Appellant,	:	
	:	CASE NO. 1996-70
vs.	:	
	:	DECISION
	:	
DOUGLAS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.		

This is an appeal by T. T. (Student) from a decision by the Douglas County Board of Education (Local Board) to sustain the decision of a student disciplinary tribunal to suspend him for the remainder of the 1996-1997 school year, with the option of attending an alternative school, because he was inciting other students with racial remarks. The Student claims that he was singled out for discipline because of his race. The Local Board's decision is sustained.

On October 8, 1996, the Student, a tenth grader, was involved in three separate incidents with different students where he directed racial insults at other students. In the final incident, the Student was hit on the head and a number of students were threatening to attack him when the principal intervened and broke up the confrontation. The Student was charged with violating the Local Board's Rule number 7, "Any act which substantially disrupts the orderly conduct of a school."

A disciplinary tribunal found that the Student had violated the rule by consistently making the racial comments in three separate instances. The tribunal decided to suspend the Student for the remainder of the 1996-1997 school year, with the option of attending an alternative school, and the Local Board upheld the tribunal's decision when the Student appealed to the Local Board. The Student then appealed to the State Board of Education.

On appeal to the State Board of Education, the Student claims that he was discriminated against because the other students were not punished. Additionally, he claims that the punishment is too harsh under the circumstances.

There is no evidence in the record that the Student was subjected to discriminatory treatment. There was evidence that the other student who struck the Student was suspended. The actions of the remaining students were not continuing and not comparable with the Student's actions. The State Board of Education, therefore, concludes that there is no basis for the Student's claim that the Local Board discriminated against him. "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 County Bd. of Educ., Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). The Local Board had the authority to impose long-term suspension on the Student. O.C.G.A. 20-2-755. The Student’s comments created a major disruption within the school and could have led to injury. The State Board of Education, therefore, concludes that the Local Board did not abuse its discretion by suspending the Student for the remainder of the 1996-1997 school year.

Based upon the foregoing, it is the opinion of the State Board of Education that the Student was not discriminated against and the Local Board did not abuse its discretion by suspending the Student for the remainder of the 1996-1997 school year. Accordingly, the Local Board’s decision is SUSTAINED.

This 17TH day of March, 1997.

Mrs. Braswell and Mr. Williams were not present.

Larry Thompson
Vice Chair for Appeals