

**STATE BOARD OF EDUCATION**  
**STATE OF GEORGIA**

<b>C. D.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1996-72</b>
vs.	:	
	:	<b>DECISION</b>
	:	
<b>GWINNETT COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by C. D. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him from regular school until March 17, 1997, with the option of attending an alternative school, because he skipped classes, was rude and disrespectful to an administrator, and refused to follow the directions of an administrator. The Student claims that the punishment is too harsh and that the tribunal's decision was based upon improper evidence. The Local Board's decision is sustained.

On October 2, 1996, the Student, a ninth grader, was observed walking in the school building while he was supposed to be in class. Shortly thereafter, the Student was found with some other students in another area of the school and there were indications the students had been smoking. The Student refused to empty his pockets. When he was directed to go to in-school suspension, the Student swore, refused to go, and left the area. The Student was absent from his classes for the remainder of day.

During the student disciplinary tribunal hearing on October 16, 1996, the Student admitted that he was not present in his classes and that he refused to empty his pockets. He denied that he had cursed at the administrator. The tribunal found that the Student had violated four rules of student conduct. The tribunal then received evidence of the Student's disciplinary record before it decided to suspend the Student until March 17, 1997, with an opportunity to attend an alternative school. The Local Board upheld the tribunal's decision, even though it found that the Student had not violated one of the rules he was charged with violating.

On appeal to the State Board of Education, the Student claims that the suspension period is too long for a one-day absence from class. He also claims that the tribunal should not have

received evidence concerning his disciplinary record.

A local board of education is charged with the responsibility of managing the operation of its 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). In this case, there was evidence to support the Local Board's decision, the Student admitted he violated two of the Local Board's rules of conduct, and the Local Board is authorized to impose long-term suspension upon the Student. Although the Student attempts to characterize the suspension as only being related to his absence from class, the tribunal found that he refused to obey an administrator's directions and was disrespectful to the administrator. The State Board of Education, therefore, concludes that the Local Board did not abuse its discretion in upholding the suspension through March 17, 1997.

The Student also claims that it was improper for the student disciplinary tribunal to review his disciplinary records. Student disciplinary records, however, can be reviewed by a disciplinary tribunal to determine what punishment should be imposed. See, Antoine W. v. DeKalb County Bd. of Educ., Case No. 1992-11 (Ga. SBE, Jul. 9, 1992). The State Board of Education, therefore, concludes that the disciplinary tribunal did not commit any error in reviewing the Student's disciplinary records.

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision and the Student was not denied due process because the student disciplinary tribunal reviewed his disciplinary records. Accordingly, the Local Board's decision is

SUSTAINED.

This 17<sup>th</sup> day of March, 1997.

Mrs. Braswell and Mr. Williams were not present.

Larry Thompson  
Vice Chairman for Appeals