

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. T.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1998-6
vs.	:	
	:	DECISION
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by J. T. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her for the remainder of the 1997-1998 school year after finding her guilty of threatening a faculty member, rude and disrespectful behavior, refusal to follow instructions, skipping class, causing a classroom disturbance, and using profanity. The Student claims that the hearing officer was biased and that the punishment was too severe. The Local Board's decision is sustained.

On December 19, 1997, the Student cursed her English teacher, took a book off his desk and refused to return it, then threw all the books on his desk to the floor and threatened him after the teacher refused to return a note the Student had written to another student and he had taken up. A student disciplinary tribunal conducted a hearing on January 21, 1998. The Student admitted she had cursed the teacher, but claimed that he had been harassing her in class. The student disciplinary tribunal found her guilty of threatening a faculty member, rude and disrespectful behavior, refusal to follow instructions, causing a classroom disturbance, and using profanity. The tribunal then suspended her for the remainder of the 1997-1998 school year with an opportunity to go to alternative school. When the Student appealed to the Local Board, the Local Board reduced the expulsion period to six weeks, provided she attended the alternative school, and placed her on probation through the 1998-1999 school year. The Student then appealed to the State Board of Education.

On appeal to the State Board of Education, the Student claims that the transcript of evidence was tampered with by the hearing officer because he was a good friend of the accusing teacher. She also claims that improper evidence was admitted about her prior actions and her mother was not notified about any previous incidents. Finally, she claims that the teacher made inappropriate remarks to her and the punishment was too harsh. None of these issues, however, provide any basis for reversing the Local Board's decision.

has not shown how the tribunal's decision would have been changed because of the transcript. On the contrary, it appears that the tribunal made its decision before the transcript was prepared. Other documents in the record support the essential elements of the transcript. In the absence of any evidence that the transcript was tampered with, the State Board of Education concludes that this is a baseless claim.

The Student did not object to the testimony about previous incidents and she was not charged with committing repeated violations. Whether her mother was contacted about the previous incidents is immaterial to the charges made against the Student. The State Board of Education, therefore, concludes that the tribunal did not err by permitting testimony about previous incidents.

Except to establish mitigation, whether the teacher made disparaging remarks to the Student is also immaterial and does not provide any basis for reversing the tribunal's decision. The tribunal was free to judge the Student's credibility regarding her charge. If there are any questions about the credibility of witnesses and the weight to be given their testimony, those questions must be decided by the tribunal. *See, e.g., Smith v. State*, 263 Ga. 224, 430 S.E.2d 579 (1993).

"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 City. Bd. of Educ.*, Case No. 198 1-40 (Ga. SBE, Feb. 11, 1982). The decision to expel the Student is within the discretion of the Local Board and the Student has not shown any violation of law. The State Board of Education, therefore, concludes that the Student's claim that the punishment is too harsh does not provide any ground for reversing the Local Board's decision.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision is supported by the evidence and the Student has not shown any basis for reversing the Local Board's decision. The Local Board's decision, therefore, is SUSTAINED.

This 14th day of May, 1998.

Larry Thompson
Vice Chairman for Appeals