## STATE BOARD OF EDUCATION

## **STATE OF GEORGIA**

J. S. P. AND J. B. P. :

:

Appellant, :

: CASE NO. 1998-13

vs. :

: DECISION

TROUP COUNTY :

**BOARD OF EDUCATION,** :

:

Appellee. :

This is a combined appeal by J. S. P. and J. B. P. (Students), who are brothers, from a decision by the Troup County Board of Education (Local Board) to suspend them from school through March 30, 1998, with the additional requirement that they attend a violence intervention program before June 11, 1998. Both of them were also placed on probation for the 1998-1999 school year. The Local Board's decision was made after the Students were found guilty of fighting in school. The Students claim that the punishment was too harsh because they did not start the fight and they have never been involved in any previous disciplinary action. The Local Board's decision is sustained.

The only issue for decision by the State Board of Education is that portion of the Local Board's decision that requires the Students to attend the violence intervention program. The suspension period has passed, thereby mooting any issues relating to the suspensions since the State Board of Education cannot provide the Students any relief concerning their suspensions.

"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 for Telfair County, 203 Ga. 152, 45 S.E.2d 442 (1947); Braceley v. Burke County Bd of Ed, Case No. 1978-7." Joseph M v. Jasper Cnty. Bd of Educ., Case No. 198 1-40 (Ga. SBE, Feb. 11, 1982). The evidence showed that J. S. P. engaged in a fight with another student after the other student bumped, pushed, or shoved him in the hallway. While J. S. P. had the other student in a headlock, J. B. P. came upon the scene and struck the other student in the face. The Students claimed they were acting in self defense, but the evidence does not show that J. S. P. could not have walked away from the initial incident, nor is there any evidence that J. B. P. had to engage in the fight; by the time he arrived on the scene, there were teachers present attempting to break up the fight.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its discretionary authority. The Local Board's decision, therefore is, SUSTAINED.

Dr. Bill Grow, Mrs. Barbara Archibald, Ms. Willou Smith and Dr. Brenda Fitzgerald were absent.

This 10<sup>th</sup> day of June, 1998

Larry Thompson Vice Chairman for Appeals