

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>J. H.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1998-17</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>DOUGLAS COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by J. H. (Student) from a decision by the Douglas County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him for the remainder of the 1997-1998 school year, with the option of attending an alternative school, after finding him guilty of engaging in a fight in the hallway of the Lithia Springs High School on December 16, 1997. The Student contends that the evidence was insufficient to show that he violated four of the five rules he was charged with violating, that the notice of charges was insufficient, that the Local Board failed to properly maintain an electronic recording of the hearing, and that the record submitted to the State Board of Education included improper documents. The expulsion period is over on June 12, 1998, the State Board of Education is unable to provide the Student with any effective relief, and the issues raised on appeal are, essentially, moot. Accordingly, the appeal should be dismissed. However, since one day of the suspension period remains, the State Board of Education will decide the case on its merits.

Notwithstanding the errors enumerated by the Student, he admits on appeal that he assaulted another student in violation of the Local Board's Rule 5. The notice of the hearing provided to the Student advised him that he was being charged because "on December 16, 1997, [J. H.] was fighting with another student. During the fight a faculty member was struck in the face by [J. H.]." The notice was specific concerning the date and the incident involved, thus giving the Student reasonable notice upon which he could prepare a defense.

The Student claims he did not violate Rule 1, which prohibits the intentional disruption of school, or Rule 4, which prohibits an assault or battery on a school employee, because he did not have any intent to disrupt the school or hit a teacher. Instead, he only intended to get into a fight. Closing one's eyes to the logical consequences of one's actions does not, as the Student argues, equate to a lack of intent. If he intended to engage in a fight, then he intended to cause a disruption within the school, a logical consequence of his actions. Similarly, even if he did not intend to strike a teacher, he cannot avoid responsibility simply because he intended to strike the other student. The State Board of Education, therefore, concludes that the Student committed acts that subjected him to expulsion under the rules of the Local Board.

“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). Since the Local Board had evidence that the Student engaged in a fight and the Student admitted his involvement, the Local Board could expel him for the remainder of the school year even if, as he contends, the remaining charges did not have any evidence to support them.

Based upon the foregoing, it is the State Board of Education’s opinion that there was evidence to support the Local Board’s decision and the Local Board acted within its discretionary authority. Accordingly, the Local Board’s decision is

SUSTAINED.

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

This day of June 1998.

Larry Thompson  
Vice Chairman for Appeals