

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. B.,	:	
	:	
	:	
Appellant	:	
	:	
	:	CASE NO. 1998-45
	:	
vs.	:	
	:	
HARALSON COUNTY	:	
BOARD OF EDUCATION	:	
	:	
Appellee	:	DECISION

This is an appeal by J. B. (Student) from a decision by the Haralson County Board of Education (Local Board) to permanently expel him from the regular schools of Haralson County after finding him guilty of possessing a loaded pistol on school grounds. The Student claims that the decision is too harsh. The Local Board’s decision is sustained.

On May 29, 1998, school personnel found a loaded pistol in the Student’s pocket. On June 10, 1998, the Local Board conducted a hearing and permanently expelled the Student but gave him an opportunity to attend an alternative school. The Student filed a timely appeal with the State Board of Education.

On appeal, the Student claims that the Local Board’s decision is too harsh. “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. 1981-40 (Ga. SBE, Feb. 11, 1982). The Student has not shown any error of law on the part of the Local Board. The State Board of Education, therefore, must uphold the Local Board’s decision.

The Student also claims that other students have not been similarly punished. There was no evidence of how other students have been disciplined and the State Board of Education can only consider evidence considered by the hearing tribunal. In addition, each disciplinary matter has different circumstances that a local board must consider in arriving at its decision. These circumstances can result in different conclusions. If the conclusion is within the local board’s power, then the decision will be upheld.

The Student also claims that testing completed after the hearing shows that he is not a violent person and should, therefore, be permitted to re-enroll in the high school. As stated above, the State Board of Education can only consider evidence presented before

the Local Board. The Student may be able to use such evidence to petition the Local Board for re-admittance at some later time, but the State Board of Education cannot consider evidence produced after the hearing.

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

Mr. J.T. Williams, Jr. was not present. The seat for the 2nd Congressional District is vacant.

This 12th day of November 1998.

Larry Thompson
Vice Chairman for Appeals

