

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. B.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-11
	:	
BERRIEN COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by J. B. (Student) from a decision by the Berrien County Board of Education (Local Board) to permanently assign him to an alternative school, or, alternatively, to assign him to an in-school suspension program until the end of the 1999-2000 school year with the requirement that he receive counseling. The Local Board's decision followed a student disciplinary tribunal's finding that the Student made a verbal threat. The Student claims that there was no evidence to support the charges, and that the punishment was too severe. The Local Board's decision is reversed.

While standing in the lunch line on December 13, 1999, the Student, a sixth grader, said to another student that he wanted to stab someone. When the other student asked who the Student wanted to stab, he responded by naming the principal and his mother. The other student reported the conversation to the principal. The principal asked the Student whether he made the remark and he admitted making the statement. The principal charged him with making "verbal threats."

During the hearing before the student disciplinary tribunal, the principal testified that she thought the Student did not intend to stab anyone. She also testified that she felt compelled to charge the Student because of the violence that has occurred in other schools. The Student admitted that he had said he wanted to stab someone and, when pressed by another student, had named the principal and his mother. The Student expressed frustration over other students picking on him because he was overweight and non-athletic and he was dissatisfied because he was disciplined when he struck back at a student who was taunting him.

The Student was charged with making an verbal threat. A threat is "an expression of intent to do harm." THE MERRIAM WEBSTER DICTIONARY, Home and Office Ed. (1995). The evidence presented did not show that the Student had any intent of doing any harm. The principal testified that she did not think the Student intended to hurt anyone, but the charges were made because of the violence that has occurred in other schools. The Student never expressed any intent to do any harm; he never said that he was going to stab someone. His statement that he felt that he wanted to harm someone was an expression of feeling, not intent. The expression of a

feeling does not constitute a threat. The State Board of Education concludes that there was no evidence presented to sustain the Local Board's decision.

The Local Board argues that the Student's statement constitutes endangering the safety of others, extremely defiant conduct, and is a classic form of intimidation, all of which are prohibited by the student handbook. Regardless whether the Student's statement constituted endangering the safety of others, or was defiant conduct, or a classic form of intimidation, the Student was not charged with any of these acts. Instead, he was charged with making a "verbal threat."

Based upon the foregoing, it is the opinion of the State Board of Education that there was no evidence to support the charge that the Student made a verbal threat. Accordingly, the Local Board's decision is
REVERSED.

This _____ day of May 2000.

Bruce Jackson
Vice Chairman for Appeals