

STATE BOARD OF EDUCATION

STATE OF GEORGIA

B. H.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-13
	:	
WALTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by B. H. (Student) from a decision by the Walton County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school for the remainder of the 1999-2000 school year and all of the 2000-2001 school year, with assignment to an alternative school during the 2000-2001 school year. The Student complains that the punishment was too harsh. The Local Board's decision is sustained.

The Student was charged with soliciting marijuana from another student, which violated the Local Board's Policy JCDAC. The Student pleaded guilty before a student disciplinary tribunal, which recommended expulsion for the remainder of the 1999-2000 school year and assignment to an alternative school for the 2000-2001 school year. The Local Board upheld the recommendation and the Student appealed to the State Board of Education.

The Student argues that the punishment was too harsh because he changed his mind after telling another student he wanted some marijuana. There was no evidence presented by the Student at the hearing that he changed his mind. The Local Board has the authority to expel the Student and to assign him to an alternative school. "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 State Board of Education does not deem the punishment to be excessive for the conduct involved.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision did not constitute an abuse of discretion and the punishment was not excessive. The Local Board's decision, therefore, is SUSTAINED.

This _____ day of June 2000.

Bruce Jackson
Vice Chairman for Appeals