

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M. G.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-21
	:	
EFFINGHAM COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by M. G. (Student) from a decision by the Effingham County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school through the end of the 1999-2000 school year after finding him guilty of having inappropriate sexual conduct with a female student. The Student claims that the punishment was too harsh. The Local Board's decision is sustained.

The student disciplinary tribunal found that the Student met a female student in a stall in the boys' restroom in the high school where they began touching one another. The bell interrupted their activity, but they were spotted leaving the restroom. The Student was on probation from a previous incident of inappropriately touching a female student. The tribunal decided to expel the Student through the end of the 1999-2000 school year. When the Student appealed to the Local Board, the Local Board upheld the tribunal's decision. The Student then appealed to the State Board of Education.

"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). Although the Student contends that the female student initiated the incident, the Local Board has the authority to expel the Student for the conduct involved regardless of the female student's initiation of the contact. The expulsion was for one semester and follows the Student's previous probation for inappropriately touching a female student. The State Board of Education concludes that the length of the expulsion, combined with the Student's conduct and previous disciplinary record, was not so harsh that it shocks the conscience.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board had the authority to expel the Student for one semester and the punishment was not too harsh. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of July 2000.

Bruce Jackson
Vice Chairman for Appeals