

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. P.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-25
	:	
HOUSTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by J. P. (Student) from a decision by the Houston County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him for the remainder of the semester after finding him guilty of making a terroristic threat and directing profanity towards a teacher. The Student claims that there was no evidence to support the decision. The Local Board's decision is reversed.

On February 15, 2000, the Student wrote a "gangsta rap" poem while in class. The poem contained profanity and made reference to shooting someone. The Student's teacher saw him writing and picked up the poem. The teacher claimed the poem was directed at her and she charged him with making a terroristic threat. A student disciplinary tribunal and the Local Board agreed and found the Student guilty of making terroristic threats. The Student was expelled for the remainder of the school year with the option of attending an alternative school. The Student then appealed to the State Board of Education.

There was no evidence that the Student made a threat against the teacher. A threat requires some overt action or statement by one person that is directed against another person and causes the other person to feel apprehensive. The Student was writing a poem, a frequent activity of the Student and some of his friends, that was not directed to anyone and did not contain any names. The Student was not in the process of distributing the poem to anyone. The teacher may have felt threatened upon reading the poem, but her feelings resulted from her action of taking up the paper rather than any action by the Student. Although the poem may be considered offensive by some, similar language and poems are regularly broadcast on the radio.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board failed to carry the burden of proof to establish that the Student threatened anyone. The Local Board's decision, therefore, is REVERSED.

This _____ day of August 2000.

Bruce Jackson
Vice Chairman for Appeals