

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. R.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-30
	:	
HARRIS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by J. R. (Student) from a decision by the Harris County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him until the end of the 2000-2001 school year after finding him guilty of criminal conduct and public indecency based upon his guilty plea. The Student claims the punishment was too harsh. The Local Board's decision is sustained.

On March 2, 2000 the Student engaged in oral sex in the back of the classroom while the teacher was absent. The Student entered a guilty plea to the criminal conduct and public indecency charge. The student disciplinary tribunal expelled him until the end of the 2000-2001 school year. The expulsion was upheld by the Local Board and the Student filed an appeal with the State Board of Education.

On appeal, the Student claims that the Local Board abused its discretion in expelling him until the end of the 2000-2001 school year. The gist of the Student's claim is that the teacher should not have left the room so that he could engage in such conduct. The Student claims that since the Local Board did not discipline the teacher it should not have imposed such severe discipline upon him.

"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). In the instant case, assuming the teacher was not disciplined, the Local Board did not abuse its discretion in treating the teacher differently than it treated the Student; the two are not in similar positions or situations. The State Board of Education concludes that the Local Board did not abuse its discretion.

The Student also argues that the hearing process violated his due process rights because the hearing process was not free of bias and the hearing officer was not independent. There was no evidence of bias or lack of independence on the part of the hearing officer.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion and the Student was not denied any due process rights. The Local Board's decision, therefore, is
SUSTAINED.

This _____ day of August 2000.

Bruce Jackson
Vice Chairman for Appeals