

STATE BOARD OF EDUCATION

STATE OF GEORGIA

L. D.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-41
	:	
HENRY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by L. D. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a hearing officer to expel him for the remainder of the 1999-2000 school year for repeatedly talking in class. The Student claims that the punishment was too harsh. The Local Board’s decision is sustained.

The Student was enrolled in an alternative school where he repeatedly interrupted his classes by talking without permission and despite repeated warnings. A hearing was held on April 12, 2000 before a hearing officer who decided to expel the Student for the remainder of the school year. The Student appealed to the Local Board on the grounds the punishment was too harsh, but the Local Board upheld the hearing officer’s decision. The Student then appealed to the State Board of Education.

The only issue raised by the Student is whether the punishment was too harsh. "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 Student was in alternative school because of other disciplinary problems. The judgment of the Local Board that expulsion was the next disciplinary action to be taken will not be disturbed.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority in expelling the Student. The Local Board’s decision, therefore, is hereby
SUSTAINED.

This _____ day of September 2000.

Bruce Jackson
Vice Chairman for Appeals