

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

|                            |   |                         |
|----------------------------|---|-------------------------|
| <b>C. B. R.,</b>           | : |                         |
|                            | : |                         |
| <b>Appellant,</b>          | : |                         |
|                            | : |                         |
| <b>vs.</b>                 | : | <b>CASE NO. 2002-02</b> |
|                            | : |                         |
| <b>CLAYTON COUNTY</b>      | : |                         |
| <b>BOARD OF EDUCATION,</b> | : |                         |
|                            | : |                         |
| <b>Appellee.</b>           | : | <b>DECISION</b>         |

This is an appeal by C. B. R. (Student) from a decision by the Clayton County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him until the end of the 2001-2002 school year after finding him guilty of carrying two knives onto a school campus, and obstruction of an investigation. The Student complains on appeal that the Local Board's decision was arbitrary and capricious because the punishment is too harsh. The Local Board's decision is sustained.

On April 13, 2001, the Student did not go to his high school because it was Good Friday. Instead, he and a group of his friends went to another high school. Upon entering the building, they were told they needed to have a pass or they needed to leave the building. A while later, an assistant principal found the Student still in the building and the Student was taken in for questioning. A resource officer began to pat the Student down to see if he was carrying any weapons and the Student grabbed the officer's hand and pushed it away. The officer then found two knives on the Student, one with a 6-inch blade and the other with a 4-inch blade. The Student was charged with bringing a weapon on campus and with obstruction.

During the hearing before the student disciplinary tribunal, the Student claimed that he had the knives because he was on his way to a knife shop where he wanted to trade. The Student's principal and several of his teachers submitted statements that the Student did not pose any threat to any other students and would be welcomed back into the school, where he was active in the Junior ROTC. Nevertheless, the tribunal found him guilty and expelled him until the end of the 2001-2002 school year. The Local Board upheld the tribunal when the Student appealed. The Student then filed an appeal with the State Board of Education and claimed that the Local Board abused its discretion because 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 State Board of Education ... cannot adjust the level or degree of discipline imposed by a local board of education." *B. K. v. Bartow Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998).

O.C.G.A. § 20-2-751.1. provides:

(a) Each local board of education shall establish a policy requiring the expulsion from school for a period of not less than one calendar year of any student who is determined, pursuant to this subpart, to have brought a weapon to school.

In the instant case, the Student brought a weapon to school. The legislature has expressed its intent that students who bring weapons to school should be expelled for one year. It cannot, therefore, be said that the Local Board abused its discretion in following the expressed intent of the legislature and expelling the Student for one year.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion in expelling the Student until the end of the 2001-2002 school year. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of October 2001.

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Bruce Jackson  
Vice Chairman for Appeals