

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. R.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2002-04
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by J. R. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him for one year, with the option of attending an alternative school during the expulsion period, after finding him guilty of being rude and disrespectful, absent from class without permission, failure to follow directions, and presenting chronic behavior problems. The Student contends that the punishment was too harsh. The Local Board's decision is sustained.

On March 22-23, 2001, the Student refused to be quiet and sit in his seat as directed by his teacher. On March 23, 2001, the Student absented himself from another class and an assistant principal had to find him to return him to class. Previously, the Student had numerous disciplinary infractions, which caused the administration to give him notice that any further violations would result in possible expulsion for chronic misbehavior.

"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).

In the instant case, there is no question that the Student engaged in the disruptive behavior and has presented a behavior problem throughout the school year. There has not been any showing that the Local Board abused its discretion.

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 for one year, with the option of attending an alternative school. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of October 2001.

Bruce Jackson
Vice Chairman for Appeals