

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. M.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2002-09
	:	
FAYETTE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by A. M. (Student) from a decision by the Fayette County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her until the end of the first semester of the 2001-2002 school year after finding her guilty of inappropriate sexual contact with a male student. The Student claims that the punishment was too harsh. The Local Board's decision is sustained.

"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). There was no showing that the Local Board abused its discretion in affirming the decision to expel the Student for one semester because she admittedly and willfully engaged in the prohibited conduct.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of October 2001.

Bruce Jackson
Vice Chairman for Appeals