

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>R. B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2002-17</b>
	:	
<b>WHITFIELD COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by R. B. (Student) from a decision by the Whitfield County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to permanently expel him after he pleaded guilty to destroying school property. The Student claims that the punishment is too harsh. The Local Board's decision is sustained.

The Student broke into Northwest Whitfield High School on three occasions, the last being on September 3, 2001. The Student destroyed and damaged a substantial amount of school property, wrote graffiti on the walls, and released a hundred-gallon tank of propane gas into the school building. When his car was searched on campus, a knife and lighter were found. The Student pleaded guilty to the charges of destruction of school property, vandalism, and actions that threatened the safety of others. He pleaded not guilty to the charges of possession of a weapon and paraphernalia on school property. The student disciplinary tribunal found him guilty on all charges and permanently expelled him from all Whitfield County schools. The Local Board sustained the tribunal's decision. The Student then appealed to the State Board of Education.

The Student claims that the punishment was too harsh because he has been a model, honor roll student for ten years. These arguments, however, were made before the Local Board. 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). "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 Local Board had the authority to expel the Student and, in light of the outrageous destruction committed by the Student, the Local Board did not abuse its discretion.

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

This \_\_\_\_\_ day of February 2002.

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Bruce Jackson  
Vice Chairman for Appeals