

STATE BOARD OF EDUCATION

STATE OF GEORGIA

K. L.,	:	
	:	
Appellant,	:	CASE NO. 2010-02
	:	
vs.	:	
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by K. L. (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 until April 22, 2010, with the option of attending an alternative school during the period of expulsion, after finding him guilty of classroom disruption, failure to follow directions, and chronic behavior disorders. The Student claims that the punishment is too harsh. The Local Board’s decision is sustained.

On April 1, 2009, the Student disrupted his mathematics class when he failed to begin working on a problem presented by his teacher, but, instead, drew cartoons on his paper and began showing them to other students. He initially refused to obey his teacher’s direction to stop his actions. The Student then took a packet from another student and refused to return it when so directed by his teacher. The teacher then directed the Student to accompany her out of the classroom to call his parents, but the Student refused to leave the room until another teacher spoke to him. The Student was on a behavior contract that arose from prior disciplinary actions. In three school years, the Student had forty (40) disciplinary referrals and was counseled numerous times.

A student disciplinary tribunal expelled the Student for one year with the opportunity to attend an alternative school during the period of expulsion. The Local Board upheld the tribunal’s decision and the Student appealed to the State Board of Education.

On appeal to the State Board of Education, the Student claims that the punishment is too harsh and he should not have to attend an alternative school. The State Board of Education, however, 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 school system has given the Student many opportunities to improve his behavior under a progressive discipline policy but to no avail. The State Board of Education concludes that the Local Board's decision was not arbitrary or capricious and was within its authority.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that the Local Board's decision was authorized. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of September 2009.

William Bradley Bryant
Vice Chairman for Appeals