

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. V.,	:	
	:	
Appellant,	:	CASE NO. 2010-03
	:	
vs.	:	
	:	
HENRY COUNTY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by A. V. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her from regular school until the end of the first semester of the 2009-2010 school year, with the option of attending alternative school during the period of expulsion, after finding her guilty of disruptive behavior, disrespect, and insubordination. The Student contends that the punishment was too harsh. The Local Board’s decision is sustained.

On May 6, 2009, while in her language arts class, the Student grabbed the paper of another student and rubbed the paper on her genitals. She then sat on the paper and passed gas. The other student refused to take the paper when the Student attempted to return it. The following day, before any action was taken on the previous incident, the Student attempted to sit on the wrong side of the gymnasium where the students assemble before school and are required to sit in designated areas according to their classes. A teacher corrected the Student and she sat in her designated area, but she then got up again and began walking away from her designated seating area. Another teacher stopped her and the Student became argumentative. The Student continued her belligerent attitude, arguing with the teacher and saying the first teacher was a liar. Although warned by the teacher, the Student refused to calm down and refused to leave the teacher’s office when told to leave.

After hearing the above evidence, a student disciplinary tribunal hearing officer found the Student guilty of disrupting the learning environment, being disrespectful, and being insubordinate. The hearing officer expelled the Student from regular school for the remainder of the school year and through the first semester of the 2009-2010 school year, with the option of attending an alternative school during the expulsion period. The Local Board upheld the tribunal decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

On appeal, the Student claims that the punishment was too harsh. 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).

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 within the scope of its authority. The Local Board's decision, therefore, is SUSTAINED.

This _____ day of September 2009.

William Bradley Bryant
Vice Chairman for Appeals