

**STATE BOARD OF EDUCATION**  
**STATE OF GEORGIA**

<b>N. H.,</b>	:	
	:	
<b>Appellant,</b>	:	<b>CASE NO. 2010-15</b>
	:	
<b>vs.</b>	:	
	:	
<b>NEWTON COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

This is an appeal by N. H. (Student) from a decision by the Newton County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him permanently after finding him guilty of trespassing, having a knife on school property, and threatening another student. The Student argues that the punishment is too harsh. The Local Board’s decision is sustained.

On April 20, 2009, a bus driver witnessed the Student, an eleven year old sixth grader, debark from his bus, approach another student, take a knife out of his pocket, open the blade, and point the knife at the other student’s chest. As a resource officer approached, the Student left the scene. The school system charged the Student with trespassing, having a knife on school property, and assault against another student.

After hearing testimony from the bus driver and an assistant principal who questioned the Student, a tribunal found the Student guilty and permanently expelled him.<sup>1</sup> The Local Board upheld the tribunal’s decision when the Student appealed and the Student then filed an appeal with the State Board of Education.

On appeal to the State Board of Education, the Student argues that the punishment was too harsh because of his age. 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). In this case, the Local Board’s policies provide for permanent expulsion for

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<sup>1</sup> The Student was attending school in the district under a guest program because his mother was employed by the Local Board.

weapons possession. The Student has had several disciplinary problems and was assigned to an alternative school at the time of the incident.

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 not arbitrary or capricious. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of October 2009.

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William Bradley Bryant  
Vice Chairman for Appeals