

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JOHN MAGNAN,)
Appellant,)
v.) CASE NO. 1984-4
JEFFERSON COUNTY BOARD OF EDUCATION,)
Appellee.)

O R D E R


THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Jefferson County Board of Education herein appealed from is hereby sustained.

Mr. Foster was not present.

This 9th day of August, 1984.


JOHN M. TAYLOR
Acting Vice Chairman for Appeals

The Student had two pencils in his hands. Appellant removed one of the pencils. The Student struck Appellant in the arm and broke the lead of a pencil. Appellant then attempted to remove the other pencil. There was some discrepancy in the testimony whether the second pencil was recovered from the Student. Appellant then extended two fingers of his hand and slapped the student, causing the Student's nose to bleed. Appellant testified at the hearing held on March 14, 1984 that he felt the Student, who was behavior disordered, was losing control and the striking was done in an effort to control the Student.

The Local Board had a policy that all corporal punishment was to be done by the principal. A definite policy concerning the slapping of students in order to control them did not exist.

The Local Board made its decision on March 15, 1984. On March 16, 1984, the Local Superintendent wrote to Appellant and informed him that the Local Board had suspended him for ten days without pay and ordered that a letter of reprimand be placed in his personnel file. Appellant appealed to the State Board of Education on April 13, 1984.

Local boards of education are charged with the management and control of the school systems under their jurisdiction. The evidence is uncontroverted that Appellant struck the student, and that the other teachers present did not feel the striking was necessary. The failure of the Local Board to have a definite policy covering such circumstances did not bar their decision in view of the testimony received during the hearing.

Based upon the foregoing, the record submitted, and the briefs and arguments of counsel, the Hearing Officer is of the opinion that the Local Board could properly find that Appellant erred in his judgment and could be suspended for ten days without pay and be issued a letter of reprimand. The Hearing Officer, therefore, recommends that the decision of the Local Board be sustained.

L. O. Buckland

L. O. BUCKLAND
Hearing Officer