

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**COREY C.,** :  
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 :  
 **Appellant,** : **CASE NO. 1993-22**  
 :  
 vs. :  
 : **DECISION**  
 :  
 **MERIWETHER COUNTY** :  
 **BOARD OF EDUCATION,** :  
 :  
 :  
 **Appellee.** :

This is an appeal under O.C.G.A. § 20-2-1160 by the parent of Corey C. (“Student”) from action taken by the Meriwether County Board of Education (“Local Board”). The Student’s parent registered a complaint with the Local Board concerning the punishment administered to the Student. After an investigation, the Local Board refused to take any action against the principal who administered the punishment. The appeal is dismissed.

On March 23, 1993, the fourteen-year-old Student appeared before the principal to receive punishment for having thirty infraction slips. Initially, the principal refused to administer a paddling to the Student, but the Student’s mother told the principal to proceed so the Student would not be suspended. While the Student was receiving the paddling, he threw his arm behind himself to ward off the blow. The principal was able to slow the force of the blow, but was unable to avoid striking the Student on his arm with the wooden paddle she was using.

The Student’s parent was called to pick the Student up from school. The Student’s parent took the Student to the central office to complain about a bruise on the Student’s arm. The Department of Family and Children’s Services was called to investigate the incident. The principal and the witness to the paddling were also called to the central office. Everyone agreed, except the Student’s mother, that the discoloration on the Student’s arm was the result of a burn scar rather than a bruise from the paddling. The principal insisted that a physician examine the Student to see if anything was wrong with the Student’s arm. The doctor found the Student’s skin discolored, but he did not find any abrasions.

On May 11, 1993, the Local Board listened to the Student’s parent and the principal while in executive session. The Student’s parent asked for money damages for pain and suffering and humiliation. The Local Board did not find any violations of law and refused to take any action against the principal or award the Student’s parent any damages. The Student’s parent then appealed to the State Board of Education.

On appeal, the Student's parent asks for disciplinary action against the principal for improperly administering the paddling. The State Board of Education, however, only has the authority to uphold or reverse a local board of education's decision; it cannot order a local board of education to take disciplinary action against an employee. "The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. *See, Ransum v. Chattooga County Bd. of Educ.*, 144 Ga. App. 783, 242 S.E.2d 374 (1978); *Antone v. Greene County Bd. of Educ.*, Case No. 1976-11 (Ga. SBE, Sep. 8,1976)." *Roderick J. v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8,1991). The Student's parent has not shown that the Local Board abused its discretion or committed any error, or that any issues involving the administration or interpretation of school law are involved.

In the recent case of *Eric J. v. Fannin Cnty. Bd. of Educ.*, Case No. 1993-11 (Ga. SBE, May 13, 1993), a similar case was presented to the State Board of Education. In *Eric J.*, we pointed out that the control and management of the public schools rests with the local boards of education, and the discipline of a teacher is a matter of internal administration over which the State Board of Education does not have any jurisdiction. We conclude that this appeal is governed by *Eric J.*

Based upon the foregoing, the State Board of Education concludes that it does not have any jurisdiction over the subject matter of the appeal. The appeal, therefore, is hereby

DISMISSED.

This 12<sup>th</sup> day of August, 1993.

Messrs. Sears and Williams were not present.

Robert M. Brinson  
Vice Chairman for Appeals