

STATE BOARD OF EDUCATION

STATE OF GEORGIA

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| C. W. G., | : | |
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| Appellant, | : | |
| | : | |
| vs. | : | CASE NO. 1999-45 |
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| CLAYTON COUNTY | : | |
| BOARD OF EDUCATION, | : | |
| | : | |
| Appellee. | : | DECISION |

This is an appeal by C. W. G. (Student) from a decision by the Clayton County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to permanently expel him from regular school and assign him to an alternative school because he made terroristic threats, i.e., "I'm in the Trench Coat Mafia, and y'all are going to die." The Student claims that the punishment is too harsh. The Local Board's decision is sustained.

At approximately 8:30 a.m. on April 21, 1999, the Student, while in the lunchroom, made the comment, "I'm in the Trench Coat Mafia, and y'all are going to die." Some students overheard the remark and reported the incident to a teacher, who reported it to an assistant principal. The assistant principal questioned the Student and the Student admitted he made the remark, but insisted that he was just kidding. The school system charged the Student with making a threat intended to terrorize other students. A disciplinary tribunal heard the case on April 29, 1999. After finding the Student guilty, the tribunal permanently suspended the Student from regular school and assigned him to alternative school. On May 24, 1999, the Local Board upheld the tribunal's decision.

The Local Board has moved to dismiss the appeal on the grounds it was not timely filed. The record, however, does not establish that the appeal was filed late. Additionally, the Local Superintendent certified that the appeal was timely filed. The State Board of Education, therefore, concludes that there is no evidence to support the Local Board's motion to dismiss.

The Student claims that the punishment was too harsh because he was only "fooling around" when he made the comment. "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). Since local boards of education have the authority to expel students, the punishment invoked in the instant case was within the Local Board's authority and the State Board of Education cannot change the discipline imposed.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision was within its authority and the Student has not shown any basis for reversal. The Local Board's decision, therefore, is SUSTAINED.

This _____ day of November 1999.

Bruce Jackson
Vice Chairman for Appeals