

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. R. S.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1999-48
	:	
DEKALB COUNTY	:	CASE NO. 1999-49
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	
	:	
R. B.,	:	
	:	DECISION
Appellant,	:	
	:	
vs.	:	
	:	
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

These are the appeals of C. R. S. and R. B. (Students) from decisions by the DeKalb County Board of Education (Local Board) that have been combined because they involve the same set of facts and issues. In each case, the Local Board approved the decision of a student disciplinary tribunal to expel the Students for one year, with the option of attending an alternative school, after finding them guilty of fighting at school. The Students argue that the punishment is too harsh. The decision of the Local Board is sustained.

On May 13, 1999, the Students were involved in a fight with several other girls in the hallway at Druid Hills High School. Although neither of the Students initiated the fight, both of them became involved after being struck by other students. Even after teachers intervened, the fighting continued until after some of the girls were removed from the scene. The Students were charged with simple assault and creating a school disturbance.

A student disciplinary tribunal held a hearing on May 27, 1999 and expelled the Students for one year, with the option of attending an alternative school. The Local Board upheld the tribunal decisions and the Students appealed to the State Board of Education.

On appeal, the only issue raised by the Students is that the punishment is too harsh. "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). A local board of education, therefore, has the authority to determine what disciplinary measures to take to maintain control of the schools under its jurisdiction and the State Board of Education will not interfere if a violation of the law has not been shown. In the instant case, the Students have not shown that there has been any violation of the law.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision was within its authority. The Local Board's decision, therefore, is SUSTAINED.

This _____ day of November 1999.

Bruce Jackson
Vice Chairman for Appeals