

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

|                            |   |                         |
|----------------------------|---|-------------------------|
| <b>J. V.,</b>              | : |                         |
|                            | : |                         |
| <b>Appellant,</b>          | : |                         |
|                            | : |                         |
| <b>vs.</b>                 | : | <b>CASE NO. 1999-71</b> |
|                            | : |                         |
| <b>HOUSTON COUNTY</b>      | : |                         |
| <b>BOARD OF EDUCATION,</b> | : |                         |
|                            | : |                         |
| <b>Appellee.</b>           | : | <b>DECISION</b>         |

This is an appeal by J. V. (Student) from a decision by the Houston County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him for the remainder of the 1999-2000 school year, with the option of attending an alternative school, after finding him guilty of possessing a knife on school property. The Student appealed to the State Board of Education because the Local Board refused to provide transportation to the alternative school and the jobs of the Student's parents prevent them from taking him to and from the alternative school. The Local Board's decision is sustained.

On November 2, 1999, the Student, a 10<sup>th</sup>-grader, brought a knife to school that had a blade approximately 4-1/2 inches long. On the Friday and Monday before the incident, several students attacked the Student off campus. Following the Friday attack, the Student tried to return to the campus to get away from the gang that attacked him, but the principal would not let him back on the campus and told him to call the police if he had any problems. On Monday, while standing in the lunch line near an administrator, the Student was again threatened by one of the gang members, but the administrator did not take any action. Because he was not getting any support from the school system, the Student decided to carry the knife to use if the gang jumped him again.

The student disciplinary tribunal expelled the Student from school until the end of the 1999-2000 school year with the option of attending an alternative school but without any transportation. The Local Board upheld the tribunal's decision when the Student appealed. The Student then filed a timely appeal to the State Board of Education.

The only issue raised on appeal is whether the Local Board should provide the Student with transportation to the alternative school. The Local Board argues that it cannot permit the Student on campus because he represents a threat to the other students. The Student argues that he was not the aggressor and had sought help from the administrators, so it is unreasonable to brand him as a threat to the other students. He additionally argues that he lives only a short distance from the high school where the alternative students are picked up and directly on the bus route.

The Local Board is not required to provide the Student with transportation to the alternative school. The Local Board is also charged with the responsibility of managing the schools under its jurisdiction and the State Board of Education cannot substitute its judgment for the Local Board's judgment. Thus, even if the State Board of Education agreed with the Student that the Local Board could easily have the bus stop to pick him up enroute to the alternative school, it would be unable to change the Local Board's decision because the decision is not illegal.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision not to provide the Student with transportation to the alternative school was within its discretionary authority. Accordingly, the Local Board's decision is SUSTAINED.

This 29<sup>th</sup> day of March 2000.

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Bruce Jackson  
Vice Chairman for Appeals