

STATE BOARD OF EDUCATION

STATE OF GEORGIA

T. K.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2001-42
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by T. K. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal's decision to expel him for twelve months, until February 12, 2002, after finding him guilty of lewd exposure and classroom disruption because he exposed his bare buttocks to a classroom of students. The Student claims that the punishment was unduly harsh. The decision of the Local Board is sustained.

"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). There is no indication that the Local Board failed to provide the Student with due process or otherwise improperly conducted any of the proceedings. There was nothing improper about the tribunal's review of the Student's disciplinary record after it found him guilty of the offenses charged but before imposing any punishment. The Local Board has a progressive discipline policy and it was necessary to review the discipline record to assess the punishment. It was within the Local Board's authority to expel the Student. O.C.G.A. § 20-2-755.

Based upon the foregoing, it is the opinion of the State Board of Education that the discipline imposed by the Local Board was within its authority and no error was shown in the conduct of the proceedings. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of July 2001.

Bruce Jackson
Vice Chairman for Appeals