

STATE BOARD OF EDUCATION

STATE OF GEORGIA

L. B.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2004-16
	:	
DAWSON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by L. B. (Student) from a decision by the Dawson County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend her through the end of the first semester of the 2003-2004 school year, with the option of attending an alternative school during her suspension, after finding her guilty of possessing and consuming alcohol on school premises. The Student claims that the punishment is too harsh under the circumstances since she did not know there was alcohol in the beverage she sipped. The Local Board's decision is sustained.

On May 23, 2003, the Student took a sip from a citrus drink bottle of another student while at school. When she took the sip, she realized the bottle contained alcohol and she refused to drink any more. There were six students involved in the incident and a teacher observed that some of the students were acting in an erratic manner. An assistant principal investigated and determined that the students had placed alcohol into the drink and some of them were intoxicated. The Student admitted she had taken a drink and was charged with consuming alcohol on school premises.

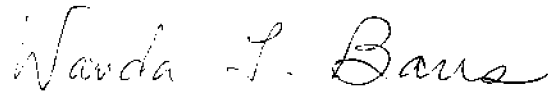
A student disciplinary tribunal suspended the Student until the end of the first semester of the 2003-2004 school year, with the option of attending alternative school during the suspension, after the Student pleaded guilty to the charges. The Local Board upheld the tribunal's decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

The Student's only complaint is that the punishment was too harsh under the circumstances. She insists that since she refused to drink any more of the beverage as soon as she determined that it had alcohol in it, she should not be punished. The State Board of Education, however, cannot adjust the level or degree of discipline imposed by a local board of education. *B. K. v. Bartow Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998). "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). The Local Board's decision, therefore, will have to stand.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision to suspend the Student for one semester was within its authority. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of December 2003.

A handwritten signature in cursive script that reads "Wanda T. Barrs". The signature is written in dark ink and is positioned above a horizontal line.

Wanda T. Barrs
Chairperson - State Board of Education