

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>M. B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2004-45</b>
	:	
<b>LIBERTY COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by M. B. (Student) from a decision by the Liberty County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to assign him to an alternative school until the end of the first nine-week period of the 2004-2005 school year after finding him guilty of possessing a knife on the school campus. The Student claims that the punishment is too harsh. The Local Board's decision is sustained.

On February 25, 2004, the Student, a seventh grader, brought a knife to school and showed it to other students. The incident was reported and a school administrator called the student to the office. The Student admitted he had the knife and turned it over to a school administrator. The handle of the knife was approximately five inches long and the blade of the knife was approximately three inches long. The Student was charged with possession of a weapon on school property.

A student disciplinary tribunal hearing was held on March 4, 2004. The Student admitted he had the knife on the school campus. The tribunal decided to assign him to an alternative school for the remainder of the 2003-2004 school year and for the first nine weeks of the 2004-2005 school year. The Local Board upheld the tribunal's decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

Upon appeal to the State Board of Education, the Student claims that the punishment was too harsh because it was his first offense, nobody was harmed, and he was merely showing the knife off to his friends. 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 punishment imposed in the instant case was within the discretionary authority of the Local Board and the State Board of Education, therefore, is bound to uphold the Local Board's decision.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion in upholding the tribunal's decision to assign the Student to an alternative school until the end of the first nine-week period of the 2004-2005 school year after finding him guilty of bringing a knife to school. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of August, 2004.

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William Bradley Bryant  
Vice Chairman for Appeals