

STATE BOARD OF EDUCATION

STATE OF GEORGIA

L. S.,

Appellant,

vs.

**JOHNSON COUNTY
BOARD OF EDUCATION,**

Appellee.

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CASE NO. 2005-19

DECISION

This is an appeal by L. S. (Student) from a decision by the Johnson County Board of Education (Local Board) to assign her to an alternative school for the remainder of the first semester of the 2004-2005 school year after a student disciplinary tribunal had found her guilty of creating a school disturbance and disorderly conduct. The tribunal had decided to place the Student on probation so the Local Board's decision represented an increase in the Student's punishment. The Student claims that the Local Board's decision results in punishment for an offense she was never charged with. The Local Board's decision is sustained.

The Student talked back to a teacher while in class. The teacher told the Student to stay after class and the Student said she was not going to stay. The teacher then told the Student to go to the office with a disciplinary slip, but the Student refused to go. The teacher then called an assistant principal and a school resource officer to the classroom. The Student refused to leave the classroom when the school resource officer told her to leave. The other students in the classroom were then told to leave the classroom and the principal told the Student to remain. The Student refused and attempted to leave with the other students. The Student then struggled with the school resource officer who restrained her from leaving. Because of her actions, the Student was charged with creating a school disturbance and disorderly conduct.

The student disciplinary tribunal found the Student guilty of the charges and decided to place her on probation for the remainder of the 2004-2005 school year. The principal appealed the tribunal's decision to the Local Board. After reviewing the record, the Local Board decided to increase the Student's punishment by assigning her to an alternative school for the remainder of the first semester of the 2004-2005 school year while leaving her on probation for the remainder of the school year. The Local Board stated that the reason it increased the punishment was that her actions warranted more than probation. The Student then filed an appeal with the State Board of Education.

The Local Board stated that the “reason for the Board’s decision to increase the punishment . . . was its determination that . . . [the Student’s] defiance of reasonable directives from the teacher, two administrators and the school resource officer combined with her attempt to obstruct the school resource officer in carrying out his responsibilities required the additional punishment.” The Student now claims that the charge of obstructing an officer was never made against her and, therefore, she cannot be punished for obstructing an officer. The Student misreads too much into the Local Board’s statement.

The Local Board merely recited the evidence presented to the tribunal and stated that these factors warranted greater discipline than probation. This does not result in the Student being found guilty of the additional charge of obstructing an officer; obstructing an officer was just one of the actions taking in creating a disturbance and engaging in disorderly conduct.

"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). In the instant case, the Local Board had the authority to assign the Student to an alternative school for the remainder of the semester and there does not appear to be any abuse of discretion.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board’s decision was based on the evidence presented in connection with the charges made against the Student. Accordingly, the Local Board’s decision is SUSTAINED.

This _____ day of February 2005.

William Bradley Bryant
Vice Chairman for Appeals