

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>G. S.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2005-37</b>
	:	
<b>SAVANNAH-CHATHAM COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>
	:	

This is an appeal by G. S. (Student), a third grader, from a decision by the Savannah-Chatham County Board of Education (Local Board) to uphold the decision of a student disciplinary hearing officer to expel him from regular school until the beginning of the second semester of the 2005-2006 school year after finding him guilty of threatening a teacher. The Student argues that the punishment is too severe and that he was provoked by the teacher. The Local Board’s decision is sustained.

On December 9, 2004, the Student was acting up in class just before lunch. The Student’s teacher told the Student that he would have to take his lunch at a later period. The Student then began to walk to the door to leave the room. The teacher blocked the door and kept the Student in the room. When the Student looked as if he was going to strike the teacher, the teacher told him that if he did strike the teacher, the teacher would have a right to defend himself. The Student turned away and said that he would stab the teacher. The teacher called the front office and had the Student removed. When questioned by the principal, the Student said that he threatened the teacher because the teacher was acting like a boss. The principal recommended the Student’s expulsion.

After hearing the above evidence, a student disciplinary hearing officer decided to expel the Student from regular school until the beginning of the second semester of the 2005-2006 school year and to assign the Student to an alternative school during the period of expulsion. The Local Board upheld the hearing officer’s decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

On appeal to the State Board of Education, the Student argues that the punishment is too harsh and that he was provoked by the teacher.

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 evidence showed that the Student has had a history of being disruptive in class despite a progressive discipline strategy imposed by the teacher. The Student has not presented any evidence to establish that the Local Board acted outside its authority.

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision. The Local Board's decision, therefore, is  
SUSTAINED.

This \_\_\_\_\_ day of June 2005.

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William Bradley Bryant  
Vice Chairman for Appeals