

STATE BOARD OF EDUCATION

STATE OF GEORGIA

S. C.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-19
	:	
BALDWIN COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by S. C. (Student) from a decision by the Baldwin County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him permanently from all Baldwin County schools after finding him guilty of theft. The Student claims that the punishment is too harsh. The Local Board's decision is sustained.

On May 26, 2005, the Student stole \$30 from the purse of a teacher. The teacher caught the Student in the act of taking the money from the purse. The Student ran from the school and was chased and caught by several teachers. The Student was charged with theft on school property.

Evidence was presented at the student disciplinary tribunal hearing that the Student had engaged in theft on two previous occasions. The Student received out of school suspensions for these incidents. The tribunal hearing officer decided to expel the Student permanently.

The Local Board upheld the tribunal decision upon appeal. The Student then filed an appeal to the State Board of Education.

On appeal, the Student claims that the punishment is too harsh. He claims that he should have been sent to an alternative school setting. 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 Student also complains that the school system did not implement a progressive discipline system. The record, however, shows that the Student received varying degrees of discipline for several different incidents. Despite the different disciplinary measures, the Student persisted in engaging in disruptive conduct. The State Board of Education, therefore, concludes that the Local Board attempted a progressive discipline system with the Student.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its discretionary authority in permanently expelling the Student for his third theft offense. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of November 2006.

William Bradley Bryant
Vice Chairman for Appeals