

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>H. B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2006-44</b>
	:	
<b>MUSCOGEE COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	<b>DECISION</b>
<b>Appellee.</b>	:	

This is an appeal by H. B. (Student) from a decision by the Muscogee County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her for the remainder of the 2005-2006 school year after finding her guilty of possessing a knife on campus. The Student argues that the punishment is too harsh. The Local Board's decision is sustained.

On October 4, 2005, the Student brought a knife to school in her purse and it was discovered by another student who reported it to the school administrators. The Student was charged with possession of a dangerous weapon. A student disciplinary tribunal heard the charges on October 13, 2005. The Student admitted she had the knife in her purse but said that she had forgotten that it was there after she had put it in her purse on the weekend. The tribunal expelled the Student for the remainder of the year and 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 only issue raised by the Student on appeal is that the punishment was too harsh. 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).

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's acted within the scope of its authority in expelling the Student for bringing a knife to school. The Local Board's decision, therefore, is SUSTAINED.

This \_\_\_\_\_ day of April 2006.

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William Bradley Bryant  
Vice Chairman for Appeals