

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. M.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-45
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by A. M. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular classes until May 25, 2006, with the option of attending an alternative school during the expulsion period, after finding him guilty of possessing a razor blade in school. The Student claims that the punishment was too harsh because he did not have any intent to do any harm. The Local Board's decision is sustained.

On October 3, 2005, the Student distributed razor blades to some other students while in school. School administrators discovered the razor blades on October 12, 2005, and began an investigation. The administrators learned that the Student had brought some razor blades to school and had given them to some other students. The Student was charged with possessing a weapon at school and was referred to a student disciplinary tribunal. The student disciplinary tribunal found the Student guilty of the charge and expelled him from regular school until May 25, 2006. The Local Board upheld the tribunal's decision when the Student appealed and the Student then filed this appeal to the State Board of Education.

On appeal, the Student claims that the punishment was too harsh because he did not intend any harm and he had found the razor blades at the school. 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 admitted that he possessed the razor blades and delivered them to other students. There was, therefore, evidence to support the

Local Board's decision and the decision was within the discretionary authority of the Local Board.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority in expelling the Student from regular school until May 25, 2006. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of April 2006.

William Bradley Bryant
Vice Chairman for Appeals