

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M. L.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-04
	:	
HENRY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by M. L. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school until December 15, 2006, with the option of attending an alternative school during the expulsion period, after finding him guilty of using a cell phone at school without permission, making false statements, using profane language, and sexual misconduct. The Student claims that the punishment was too harsh. The Local Board's decision is sustained.

On May 11, 2006, a female student reported to a teacher that the Student had taken a picture from beneath her skirt with his cell phone and was showing the picture to other students. When questioned about the incident, the Student denied he had taken any pictures. The principal then found the picture on the Student's cell phone.

The Student was charged with using a cell phone without permission, making a misleading statement, using profane, vulgar, obscene, or insulting language, and sexual misconduct. The Student admitted his guilt to the charges and waived a hearing. The student disciplinary tribunal expelled him until December 15, 2006, with the option of attending an alternative school during his expulsion period. The Student appealed his sentence to the Local Board, which upheld the tribunal's decision. The Student then appealed to the State Board of Education.

On appeal, the Student claims that the punishment was too harsh. "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 State Board of Education 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).

The Student claims that he was misled by the school administration into thinking that if he waived a hearing he would not be punished severely. There is, however, no evidence in the record regarding what the Student was told. The Student has not shown that any law or policy was violated by the school administration. The punishment rendered was within the scope of the punishments set out in the student handbook for the types of offenses he committed. The Student, therefore, should have known that he was subject to expulsion even if he cooperated with the school administration.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision was within its authority. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of October 2006.

Wanda T. Barrs
Chair, State Board of Education

SUMMARY

This is an appeal by M. L. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school until December 15, 2006, with the option of attending an alternative school during the expulsion period, after finding him guilty of using a cell phone at school without permission, making false statements, using profane language, and sexual misconduct. The Student claims that the punishment was too harsh. The Local Board's decision is sustained.