

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>R. B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2007-62</b>
	:	
<b>ATLANTA CITY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by R. B. (Student) from a decision by the Atlanta City Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school and assign him to an alternative school until December 22, 2007, after finding him guilty of fighting and gang activity at school. The Student claims that the punishment is too harsh since he has never been previously disciplined. The Local Board's decision is sustained.

On February 7, 2007, the Student engaged in a fight in the locker room in an effort to get into a gang. The Student was charged with fighting and gang activity. At a student disciplinary tribunal hearing, the Student admitted he was involved in a fight and was trying to get into a gang. The tribunal found him guilty, expelled him from regular school, and assigned him to an alternative school until December 22, 2007. The Local Board upheld the tribunal's decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

On appeal, the Student claims that the punishment is too harsh because he has never been involved in a disciplinary matter before. 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 acted within its authority and did not abuse its discretion. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of September 2007.

---

William Bradley Bryant  
Vice Chairman for Appeals