

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M. N.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2008-11
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

M. N. (Student) appeals from a decision by the Gwinnett County Board of Education (Local Board) to deny his petition for re-admittance to the school after he was permanently expelled from school. The Local Board's decision is sustained.

On May 31, 2006, a student disciplinary tribunal decided to expel the Student permanently after finding him guilty of striking a school employee, making threats, and causing a disturbance at school. The Student had arrived at school in an intoxicated condition, refused to follow the directions of an administrator and the school resource officers, struck an administrator and the school resource officers, and threatened to kill the school resource officer. The Local Board upheld the tribunal's decision and the Student did not appeal. The Student was confined by the Juvenile Justice System. After release by the Juvenile Justice System, the Student petitioned the Local Board for re-admittance, claiming he had learned a lesson, had satisfied all requirements of the Juvenile Justice System, and had satisfactorily completed an anger management program, a counseling program, and a substance abuse program. On July 1, 2007, the Local Board denied the Student's petition but provided that he could re-submit another petition after July 1, 2008. The Student then appealed to the State Board of Education under the provisions of O.C.G.A. § 20-2-1160.

The Student has not provided any legal basis to challenge the Local Board's decision, claiming only that he has learned his lesson, has paid his debt to society, and has satisfactorily met all of the Department of Juvenile Justice requirements. Local boards of education are given broad authority and discretion in the management of the schools under their control. *See, Boney v. County Board of Education for Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947). The Local Board had the authority to expel the Student permanently, which it properly exercised. There is no requirement in law for the Local Board to re-admit the Student at this time.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision not to re-admit the Student was not an abuse of its discretion. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of December 2007.

William Bradley Bryant
Vice Chairman for Appeals