

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. C.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2009-21
	:	
BURKE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by J. C. (Student) from a decision by the Burke County Board of Education to uphold the decision of a student disciplinary tribunal to expel him from regular school for the remainder of the 2008-2009 school year and assign him to an alternative school upon completion of his expulsion. The Student claims that the punishment is too harsh and that he should have received progressive discipline. The Local Board’s decision is sustained.

The Student, a sixth grader, was enrolled in the Local Board’s alternative school because of inappropriate conduct during the 2007-2008 school year.¹ On September 22, 2008, the Student disrupted his language arts-social studies class and failed to follow the directions of his teacher, which was a common occurrence. The Student continuously interrupted other students, cursed, and hindered the lesson. The teacher removed the Student from the room, but he disturbed other classes by talking loudly. Separately, another teacher reported that the Student refused to participate in his physical education class and was constantly disruptive when present. The Student was charged with classroom disruption through rude language and horseplay. The Student admitted that he was guilty of the charges. The Student had received 16 disciplinary referrals since the beginning of the 2008-2009 school year. A student disciplinary tribunal expelled the Student for the remainder of the 2008-2009 school year and the Local Board upheld the tribunal’s decision. The Student then appealed to the State Board of Education.

On appeal, the Student claims 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.*

¹ During the 2007-2008 school year, the Student received 19 disciplinary referrals.

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). There is no evidence that the Local Board's decision was arbitrary or capricious. While the Student claims that he needs to be in school, the school system has given him several opportunities to reform his disruptive conduct, but he has continued to deny other students an opportunity to learn in a peaceful atmosphere.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision. Accordingly, the Local Board's decision is **SUSTAINED.**

This _____ day of January 2009.

William Bradley Bryant
Vice Chairman for Appeals