

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. L.,	:	
	:	
Appellant,	:	CASE NO. 2009-25
	:	
vs.	:	
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by J. L. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her until June 1, 2009, with the opportunity to attend alternative school during the expulsion period, after finding her guilty of fighting and causing a disruption at school. The Student admitted she caused a disruption, but denied that she engaged in a fight. The Student claims that the punishment was too harsh because she did not initiate the fight and did not fight back. The Local Board's decision is sustained.

On November 12, 2008, the Student engaged in a fight with another student in the hallway of the school she attended. The Student admitted that she caused a disruption at the school and a student disciplinary hearing officer found that she participated in the fight. The hearing officer expelled the Student until June 1, 2009, with the opportunity to attend an alternative school during the expulsion period. The Local Board upheld the hearing officer's decision and the Student then appealed to the State Board of Education.

On appeal, the Student claims that the punishment is 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. 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 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, the Student was given due process, and the decision was not arbitrary or capricious. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of March 2009.

William Bradley Bryant
Vice Chairman for Appeals