

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. G.,	:	
	:	
Appellant,	:	CASE NO. 2009-50
	:	
vs.	:	
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by A. G. (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 February 11, 2010, with the option of attending alternative school during the period of expulsion, after finding her guilty of fighting, creating a disturbance at school, and striking a teacher. The Student claims that there was no evidence that she intentionally struck a teacher and the punishment is too harsh because she wants to attend cosmetology classes, which are not available in the alternative school. The Local Board's decision is sustained.

On February 2, 2009, the Student confronted another student in the hallway. An assistant principal noticed a gathering of students and walked to the area where the Student and the other student were exchanging angry words. The Student then struck the other student. An assistant principal stepped between the two students and the Student then began to strike the assistant principal. A teacher, who arrived on the scene to assist the assistant principal, was then struck by the Student. The administration charged the Student with fighting, causing a disruption, and striking an employee.

A student disciplinary tribunal heard testimony from participants in the incident. At the conclusion of the hearing, the tribunal found that the Student was guilty of each of the charges. The tribunal expelled the Student for one year with the option of attending an alternative school during her expulsion period. The Local Board upheld the tribunal's decision and the Student then filed an appeal with the State Board of Education.

On appeal, the Student claims that the initial referral, which was not in evidence and is not a part of the record, did not make any mention of the Student striking the assistant principal and the teacher. The Student then claims that this establishes that she did not strike either the assistant principal or the teacher. The State Board of Education, however, can only review evidence that was presented before the original hearing tribunal. *See, Deiangelo E. v. Coffee Cnty. Bd. of Educ.*, Case No. 1991-21 (Ga. SBE, Sep. 12, 1991). The Student did not put the original referral into evidence although she

was put on notice that she was being charged with striking the assistant principal and the teacher when she received the charging letter. There was direct testimony about her striking both the assistant principal and the teacher. If there were any questions about the veracity of the witnesses, the questions were for the tribunal to decide, and the tribunal decided that the Student struck the assistant principal and the teacher. *See, David L. v. DeKalb Cnty. Bd. of Educ.*, Case No. 1996-1 (Ga. SBE, Apr. 11, 1996). The State Board of Education, therefore, concludes that there was credible evidence that the Student struck the assistant principal and the teacher.

The Student also complains that the punishment is too harsh and she cannot take the courses she wants to take while she is in the alternative school. 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 and the decision was within the Local Board's authority. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of July 2009.

William Bradley Bryant
Vice Chairman for Appeals