STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. S.,	:	
	:	
Appellant,	:	
	:	
vs.	:	**CASE NO. 2002-18**
	:	
WHITE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	**DECISION**
Appellee.	:	

This is an appeal by J. S. (Student) from a decision by the White County Board of Education (Local Board) to sustain the decision of a student disciplinary tribunal to expel him for the remainder of the 2001-2002 school year and barring him from participating in any school activities, including graduation, but allowing him to attend alternative school during the expulsion period after finding that he was involved in a fight and was in possession of a knife with a blade more than two inches in length while on school grounds. The Student claims that the punishment is too harsh and that he should be allowed to attend graduation with his classmates. The Local Board's decision is sustained.

On September 11, 2001, the Student became involved in a fight while in the classroom watching television stories of the airplane crashes into the World Trade Center buildings in New York City. During the course of the fight, a knife with a blade more than 2 inches in length fell out of his pocket. The Student did not open the knife, but he threatened the other student. The Student was charged with assault and carrying a weapon on campus.

During the hearing before the student disciplinary tribunal, the Student submitted a guilty plea to the charges of carrying a weapon on campus and assault. The tribunal decided to expel him until the end of the 2001-2002 school year without the opportunity to attend graduation or participate in any other high school activities, but with the opportunity to attend alternative school during the period of expulsion. The Local Board upheld the tribunal's decision when the Student appealed and he then filed an appeal with the State Board of Education.

On appeal, the only issue raised by the Student that was raised below is the Student's desire to participate in the graduation ceremony with his classmates if he is able to complete all his requirements for graduation while attending 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). "[S]tudents have no right to participate in a graduation ceremony." *Dolinger v. Driver*, 269 Ga. 141, 498 S.E.2d 252 (1998).

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion. The Local Board's decision, therefore, is SUSTAINED.

This _____ day of February 2002.

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Bruce Jackson
Vice Chairman for Appeals