

STATE BOARD OF EDUCATION

STATE OF GEORGIA

E. C.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-55
	:	
DOUGLAS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by E. C. (Student) from a decision by the Douglas County Board of Education (Local Board) to uphold the decision of the student disciplinary tribunal to expel her until the beginning of the 2007-2008 school year after finding her guilty of fighting in school and hitting a teacher. The Student claims that the punishment is too harsh and that there was conflicting testimony. The Local Board's decision is sustained.

On November 1, 2005, the Student engaged in a fight with another student. After asking the students to stop fighting, a teacher stepped between the two of them. The Student then struck the teacher in the face. Other administrators intervened and escorted the Student to the office. The Student was charged with assault on a school employee, assault on a student, and disrupting the orderly conduct of the school.

A student disciplinary tribunal heard testimony from the teacher and other witnesses to the incident. The Student was found guilty of the charges and, after considering her disciplinary record, the tribunal expelled her until the beginning of the 2007-2008 school year. The Local Board upheld the tribunal's decision when the Student appealed. The Student then filed an appeal to the State Board of Education.

On appeal, the Student claims that 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. 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). The punishment rendered was within the discretionary authority of the Local Board.

The Student also claims that the testimony was contradictory during the hearing. "The tribunal sits as the trier of fact and, if there is conflicting evidence, must decide which version to accept. When that judgment has been made, the State Board of Education will not disturb the finding unless there is a complete absence of evidence." *F. W. v. DeKalb Cnty. Bd. of Educ.*, Case No. 1998-25 (Ga. SBE, Aug. 13, 1998). In the instant case, there was evidence to support a finding that the Student struck both a teacher and another student and disrupted the orderly conduct of the school.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board provided the Student with due process and the punishment rendered was within the discretionary authority of the Local Board. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of May 2006.

William Bradley Bryant
Vice Chairman for Appeals