

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. M,	:	
	:	
Appellant,	:	CASE NO. 2011-63
	:	
vs.	:	
	:	
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by C. M. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school until the end of the first semester of the 2011-2012 school year, with the option of attending alternative school during the period of expulsion, after finding him guilty of fighting. The Student claims that the punishment was too harsh. The Local Board's decision is **SUSTAINED**.

The Student engaged in a fight with another student while on the way home from school on March 18, 2011. The Student was charged with battery and with creating a school disturbance. A student disciplinary tribunal found the Student guilty of both charges and expelled him from regular school until the end of the first semester of the 2011-2012 school year with the option of attending an alternative school during the expulsion period. The Local Board upheld the tribunal's decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

On appeal to the State Board of Education, the Student claims that the punishment was too harsh because he has not been involved in a previous disciplinary incident. 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 the decision of the Local Board was within its authority and was not arbitrary or capricious. Accordingly, the Local Board's decision is
SUSTAINED.

This 10th day of August 2011.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS