



Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

In the Superior Court of Cobb County
State of Georgia

G.D.,	:	
	:	
Petitioner/Appellant,	:	
	:	Civil Action File No.
v.	:	
	:	25-cv-03029
Cobb County Board of Education,	:	
	:	
Respondent/Appellee.	:	

FINAL ORDER

This matter is before the Court pursuant to Petitioner/Appellant G.D.'s appeal of the final student discipline decision issued by Respondent Cobb County Board of Education ("Local Board") on November 1, 2024, and affirmed by the Georgia State Board of Education ("State Board") on March 27, 2025, in case number 2025-13. The parties briefed the issues on appeal, and the Court held oral argument on October 28, 2025. Having considered the parties' oral arguments, filed briefs, the record of the proceedings below, and applicable law, the Local Board's final student discipline decision and the State Board's affirmance of that decision are hereby **REVERSED**.

Procedural Background

1.

On September 9, 2024, G.D. was charged with violating Cobb County School District Rule JCDA-R, Section II, Paragraph H, Subsection 2 ("School Disruption rule") and referred for a student discipline hearing under O.C.G.A. § 20-2-754.

2.

G.D.'s discipline hearing notice alleged that on September 6, 2024, G.D. used his district-issued computer to send Google chat messages to a student at another school, which "included language involving a school shooting at lunch." The notice further alleged that he took and shared a screenshot of the chat with "other students at school," and that "his intentional actions created a major school disruption."

3.

On October 18, 2024, the Local Board conducted a student discipline hearing for G.D. A hearing officer for the Local Board found that G.D. violated the School Disruption Rule and expelled G.D. from the Cobb County School District through the end of the 2024-2025 school year, with the option to enroll in alternative school.

4.

G.D. sought review of the hearing officer's decision from the Local Board, which issued a final student discipline decision affirming the hearing officer's initial decision on November 1, 2024.

5.

G.D. appealed the Local Board's decision to the State Board under O.C.G.A. § 20-2-1160, which affirmed the Local Board's decision on March 27, 2025, in case number 2025-13.

6.

G.D. then petitioned this Court for review of the Local Board's final student discipline decision under O.C.G.A. §§ 20-2-1160 and 5-3-1, *et seq.*

7.

G.D. sought reversal of the Local Board's decision on three grounds: first, because the decision was unsupported by any evidence; second, because the decision violates his constitutional rights under the First and Fourteenth Amendment, and third, because the decision violates Georgia's progressive discipline statute.

Analysis

8.

On appeal, this Court does not reweigh the evidence, but reviews whether the record supports the Local Board's final decision. Findings of fact are reviewed under the "any evidence" standard and errors of law are reviewed *de novo*.

9.

A local board of education's student discipline decision is subject to reversal where it is unsupported by any evidence or contrary to law or an abuse of discretion.

10.

The Local Board's decision that G.D. violated the School Disruption rule is unsupported by the record evidence because there is no evidence that G.D. intended to cause a disruption.

11.

The School Disruption rule provides that:

No student shall, in any manner, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the disruption of any lawful mission, process, or function of the school, or engage in any such conduct for the purpose of causing the disruption or obstruction of any such lawful

mission, process, or function.

12.

The rules of construction require this Court to follow the text of the School Disruption rule and construe its terms according to their plain and ordinary meaning.

13.

The plain language of the School Disruption rule includes an intent element and requires the Local Board to prove that the student *intentionally* caused a school disruption.

14.

The Local Board's argument that the School Disruption rule only requires a showing of intentional conduct that results in a school disruption misconstrues the plain language of the School Disruption rule.

15.

The School Disruption rule proscribes an action (causing a school disruption) and modifies the proscribed action with the adverb "intentionally." A plain reading of these terms requires a conclusion that "intent to cause a disruption" is a necessary element of the rule.

16.

The Local Board did not allege, find, or offer any evidence to prove that G.D. intended to cause a school disruption. The Local Board's conclusion that he violated the School Disruption rule is unsupported by the record evidence and subject to reversal.

17.

This Court does not and need not analyze, consider, or decide G.D.'s remaining two arguments on appeal pertaining to any constitutional deprivation or violation of a state law or local progressive discipline policies.

WHEREFORE, the Local Board's decision that G.D. violated the School Disruption rule and the State Board's affirmance of that decision are hereby **REVERSED**.

SO ORDERED this 31 day of October, 2025.

A handwritten signature in black ink, appearing to read 'R. Leonard II', written over a horizontal line.

Honorable Robert Leonard II
Judge, Cobb County Superior Court

CERTIFICATE OF SERVICE

This is to certify that I have this day served all interested parties in the within and foregoing matter by depositing a copy of the **order** dated the 31 day of October, 2025, in the regular United States Mail in the properly addressed envelopes with adequate postage thereon addressed as follows or via email through PeachCourt to counsel of record:

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This 31 day of October, 2025.



Mimi Scaljon, Esq.
Staff Attorney to
Judge Robert D. Leonard II