

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>LATANYA M.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1989-7</b>
<b>V.</b>	:	
	:	
	:	<b>DECISION</b>
<b>DEKALB COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Latanya M. (“Appellant”) from a decision by the DeKalb County Board of Education (“Local Board”) to uphold the decision of a student disciplinary tribunal to suspend Appellant for the remainder of the 1988-1989 school year, with the option of attending an alternative school, because Appellant engaged in a fight on school property. The decision of the Local Board is sustained.

On January 26, 1989, Appellant, a high school senior, slapped an eighth grade student. The two then began to fight. The fight was stopped by other students and the faculty. Appellant was suspended for ten days and her case was referred to the Student Evidentiary Hearing Committee, a student disciplinary tribunal appointed pursuant to the provisions of O.C.G.A. § 20—2-753.

A hearing was conducted before the Student Evidentiary Hearing Committee. Appellant was charged with violating both Local Board Rules 7 and 12, “Violence involving actual physical contact”, and “School disturbance”, respectively. Both charges carry a penalty of possible expulsion. During the hearing, Appellant and the other student admitted their involvement in the fight. The Student Evidentiary Hearing Committee decided that Appellant should be expelled for the remainder of the school year.

Appellant appealed the Student Evidentiary Hearing Committee decision to the Local Board. The Local Board sustained the decision, but added the proviso that Appellant would be able to graduate with her class. Appellant then appealed to the State Board of Education.

The State Board of Education is bound to uphold the decision of a local board of education if there is any evidence to support the local board's decision. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone V. Greene County Bd. of Educ., Case No. 1976-11.

In the instant case, Appellant maintains that the punishment was too severe for the infraction involved. The State Board of Education, however, cannot substitute its judgment for that of the Local Board in the absence of any showing of an abuse of discretion. Appellant was aware of the rules against fighting on school property. Appellant has been given the opportunity of completing her education in spite of having engaged in a fight on school property. There has not been any showing that the Local Board abused its discretion. The decision of the Local Board, therefore, is

SUSTAINED.

This 8<sup>th</sup> day of June, 1989.

John M. Taylor  
Vice Chairman For Appeals