

STATE BOARD OF EDUCATION

STATE OF GEORGIA

QUINATA W.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1989-36
v.	:	
	:	DECISION
NEWTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Quinata W. (“Appellant”) from a decision by the Newton County Board of Education (“Local Board”) to uphold the decision of a student disciplinary tribunal that Appellant should be suspended for fifteen days for improperly touching a female student. Appellant maintains that there was no evidence to establish that he touched the female student. The decision of the Local Board is sustained.

Appellant is in the ninth grade. On November 16, 1989, a female student reported that she had been grabbed on the buttocks while standing in the cafeteria line. The female student did not know who had grabbed her, but she identified one of the students who was standing behind her. An investigation followed and the names were learned of the students who were behind the female student. One of the students identified Appellant as the one who had grabbed the female student.

A hearing was held on November 27, 1989, by a student disciplinary tribunal. Appellant denied he had grabbed the female student. The tribunal, however, found against Appellant and recommended a fifteen-day suspension and a return to school on December 13, 1989. On December 5, 1989, the Local Board upheld the decision of the tribunal.

The record does not contain any indication whether Appellant has already served the suspension period, which would make this appeal moot. The State Board of Education, therefore, will examine the merits of the appeal.

Appellant maintains that there was no evidence that he grabbed the female student. The State Board of Education, however, is bound by the rule that if there is any evidence to support the decision of a local board, then that decision will be upheld on appeal in the absence of any showing of an abuse of discretion or illegality. ~ Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-li. In the instant case, the Local Board had the testimony of a student that Appellant grabbed the female student. In addition, there was a statement from an outside investigator that Appellant admitted he had grabbed the female student. The State Board of Education, therefore, concludes that there was some evidence before the Local Board.

Based upon the foregoing and the record submitted, the State Board of Education finds that there was evidence to support the decision of the Local Board, and that the decision was not an abuse of discretion. The decision of the Local Board, therefore, is

SUSTAINED

This 8th day of March, 1990.

Mr. Owens was not present.

Larry M. Foster, Sr.
Vice Chairman For Appeals