

permitted the Student to continue his schooling, notwithstanding that he attacked and injured another student with a stake that he used as a club. The State Board of Education concludes that the Local Board did not abuse its discretion in assigning the Student to its "Second Chance" program for one quarter and permitting him to attend any high school except his regular high school.

The Student also claims he was not treated in the same manner as the other student. The record shows that the other student did not use any weapons and was removing himself from the scene when he was attacked by the Student. To the extent there were differences in the discipline imposed on the two students, the record supports different treatment because of the difference in the actions of the two students. The State Board of Education, therefore, concludes that there was no disparate treatment given to the two students.

The Student's final contention is that the Local Board's decision was too harsh because he was only acting in self-defense. The Student's claim, however, is belied by the record. The record shows that the other student had already disengaged himself from the fight and was leaving the scene with the coach when the Student struck from behind. There was no element of self-defense in the Student's actions. The State Board of Education, therefore, concludes that the Student's claim of self-defense is meritless.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion or render disparate discipline to the Student. The Local Board's decision, therefore, is
SUSTAINED.

This 9th day of March, 1995.

Mr. William Teasley was not present.

Robert M. Brinson
Vice Chairman for Appeals