STATE BOARD OF EDUCATION

STATE OF GEORGIA

DAVID L,	:	
	:	
Appellant,	:	
	:	**CASE NO. 1996-1**
vs.	:	
	:	**DECISION**
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by David L. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Committee to suspend the Student through the winter quarter of the 1995-1996 school year after finding that the Student pushed a teacher at school. The Student's only claim is that the witnesses were untruthful. "The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. *See, Ransum v. Chattooga County Bd. of Educ.,* 144 Ga. App. 783, 242 S.E.2d 374 (1978); *Antone v. Greene County Bd. of Educ.,* Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." *Roderick J. v. Hart Cnty. Bd. of Educ.,* Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). There was testimony presented that the Student pushed the teacher. It is the duty of the hearing tribunal to determine the veracity of the witnesses and the State Board of Education will not go behind such determinations if there is any evidence to support the decision.

Based upon the foregoing, it is the opinion of the State Board of Education that there is some evidence to support the findings of the Student Disciplinary Tribunal and the Local Board. The Local Board's decision, therefore, is
SUSTAINED.

This 11th day of April, 1996.

Mr. Sessoms, Mr. Owens and Dr. Thomas were not present

Robert M. Brinson
Vice Chairman for Appeals