

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>C. H.,</b>	:	
	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1996-2</b>
vs.	:	
	:	<b>DECISION</b>
<b>BERRIEN COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by C. H. (Student) from a decision by the Berrien County Board of Education (Local Board) to uphold an administrative decision to place the Student in In-School-Isolation for one day because he was involved in a fight at school. The Student claims that the discipline is unauthorized because his actions were taken in self-defense, and in-school suspension is appropriate only for disruptive students, but he is not a disruptive student. The Local Board’s decision is sustained.

“The control and management of the public schools constitutionally rests with the county board of education and such control and management will not be interfered with except where that control and management is contrary to law. *See, Colson v. Hutchinson*, 205 Ga. 559, 67 S.E.2d 764 (1951); *Boney v. County Board of Education for Telfair County*, 203 Ga. 152 (1947).” *Martinius C. v. Griffin-Spalding County Bd. of Educ.*, Case No. 1992-12 (Ga. SBE, Jul. 9, 1992). “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).

In this case, there was evidence before the Local Board that the Student engaged in two fighting incidents, first on the playground and later in the hallway of the school. While the Student may not have been the aggressor in the hallway incident, the Local Board could conclude that he was actively involved in the first incident. O.C.G.A. § 20-2-155(b), which provides for the establishment and funding of in-school suspension programs, does not limit the Local Board’s authority to discipline students. The State Board of Education concludes that the Local Board acted within its authority.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority and discretion. Accordingly, the Local Board's decision is SUSTAINED.

This 11<sup>th</sup> day of April, 1996.

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

Robert M. Brinson  
Vice Chairman for Appeals