

The Student claimed that he was unaware that L. J. had a gun, and L. J. testified that he did not have a gun before the incident started, but that an unknown party handed the gun to him as they were standing outside the car. The Student claimed he did not witness the shooting because he was in the driver's seat of the car while L. J. was outside the car. When the shooting started, the Student testified that he was afraid and sped off. Other students testified that the Student urged L. J. to shoot J. S.

The student disciplinary committee found the Student guilty of all the charges and suspended him from all regular schools until the end of the 1997-1998 school year, but allowed him to enroll in an alternative school if he wanted. The Local Board upheld the decision when the Student appealed. The Student then filed a timely appeal with the State Board of Education.

On appeal, the Student claims that the evidence did not support the findings of the student disciplinary committee. He claims that he did not initiate the confrontation, did not know there was a gun around, and did not do any shooting. He argues that the evidence shows that he was in the car and attempting to leave the scene when the shooting occurred.

"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 (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 the instant case, there is evidence to support the Local Board's decision.

There was evidence that the Student urged L. J. to shoot J. S., and there was evidence that the Student stopped his car and got out to confront J. S. There was also testimony that the Student may have been aware of the gun. The student disciplinary committee, as the trier of fact, was not bound to believe that the gun suddenly appeared from the crowd and was thrust into L. J.'s hand.

Based upon the foregoing, the State Board of Education is of the opinion that there was evidence presented to support the Local Board's decision. The Local Board's decision, therefore, is
SUSTAINED.

This 8th day of January, 1998.

Larry Thompson
Vice Chairman for Appeals