

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. J., :
 :
 Appellant, :
 :
 vs. : **CASE NO. 2000-26**
 :
 HEARD COUNTY :
 BOARD OF EDUCATION, :
 : **DECISION**
 Appellee. :

This is an appeal by C. J. (Student) from a decision by the Heard County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school until the end of the 2000-2001 school year after finding him guilty of breaking into the high school, damaging property, and stealing some money. The Student claims that there was no evidence to support the charges. The Local Board's decision is sustained.

The Student's principal charged that the Student broke into the high school and broke some windows and other glass. At the hearing before a student disciplinary tribunal, an alleged accomplice admitted to giving a statement to the police that implicated the Student, but the alleged accomplice denied both the statement and that he or the Student were involved in the break-in. Instead, the alleged accomplice testified that he signed a statement under duress that the police officer wrote after the police officer threatened to send him to prison if he did not sign. A policeman gave his opinion that he thought the Student was involved in the incident.

The Local Board claims that the statement given to the police by the alleged accomplice is sufficient evidence to sustain the tribunal's decision that the Student was involved in the break-in and vandalism. In criminal law, the uncorroborated confession of an accomplice cannot be used as evidence against a person charged with a crime. O.C.G.A. § 24-4-8. *See, Bacon v. State*, 267 Ga. 325, 477 S.E.2d 122 (1996). The rules of evidence of criminal proceedings, however, are not as strictly followed in administrative proceedings and the Student has not provided any cites to any cases that would prohibit the tribunal from basing its finding on the statement of an accomplice. "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). The State Board of Education concludes that there was some evidence to sustain the tribunal's decision.

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

This _____ day of August 2000.

Bruce Jackson
Vice Chairman for Appeals