

STATE BOARD OF EDUCATION

STATE OF GEORGIA

G. S. H.,

Appellant,

vs.

**TROUP COUNTY
BOARD OF EDUCATION,**

Appellee.

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CASE NO. 2002-01

DECISION

This is an appeal by G. S. H. (Student) from a decision by the Troup County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to prohibit her from attending graduation ceremonies and further prohibiting her from participating in any curricular or extra-curricular activities sponsored by her high school through May 30, 2001. The tribunal's decision was made after the tribunal found the Student guilty of assault, battery, and use of offensive language when she engaged in a fight in the commons area of her high school and swore at her teachers after the fight was over. The Student claims that the evidence did not support the charges. The appeal is dismissed because the graduation ceremony is over, there is no relief the State Board of Education can provide, and the issues raised are moot.

On May 21, 2001, the Student engaged in a fight with another student in the commons area of her high school. Appellant claimed that she was merely defending herself after the other student attacked her. Following the fight, the Student was charged with assault, battery, affray, disruptive conduct, and use of profane or obscene language. At a hearing before a disciplinary tribunal on May 24, 2001, the Student pleaded guilty to the use of obscene language, but pleaded not guilty to the remaining charges. After hearing testimony from several students who witnessed the fight, the tribunal found the Student guilty on all charges. The Local Board upheld the tribunal's decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

The Student claims that the evidence did not support the charges because the witnesses testified that she did not strike the first blows, which meant that she reacted in self-defense. There was, however, evidence that the Student struck the other student and the tribunal could decide that the blows went beyond any self-defense maneuvers. Factual determinations are the province of the tribunal and will not be disturbed by the State Board of Education if there is any evidence to support the findings. "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).

Based upon the foregoing, it is the opinion of the State Board of Education that the decision of the Local Board is
SUSTAINED.

This _____ day of September 2001.

Bruce Jackson
Vice Chairman for Appeals