

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**J. T. K.,**

**Appellant,**

**vs.**

**FORSYTH COUNTY  
BOARD OF EDUCATION,**

**Appellee.**

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**CASE NO. 2002-33**

**DECISION**

This is an appeal by J. T. K. (Student) from a decision by the Forsyth County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school for the remainder of the 2001-2002 school year, with assignment to an alternative school during the expulsion period after finding him guilty of indecent exposure and disrespectful conduct. The Student claims that there is no evidence to support the decision because only hearsay evidence was admitted. The Local Board's decision is sustained.

The Student admitted to an assistant principal and a school resource officer that he had indecently exposed himself at the back of the school bus after other students who witnessed the incident reported it to school officials. The Student was charged with indecent exposure and disrespectful conduct. At the hearing before a student disciplinary tribunal, the hearsay statements of the student witnesses were admitted into evidence. The assistant principal and the resource officer testified that the Student confessed to the incident in their presence. At the conclusion of the hearing, the tribunal found the Student guilty and expelled him from regular school for the remainder of the 2001-2002 school year and assigned him to an alternative school. The Local Board upheld the tribunal's decision when the Student appealed the decision. The Student then appealed to the State Board of Education.

On appeal to the State Board of Education, the Student claims that no evidence exists to support the tribunal's decision. The Student's claim, however, overlooks the fact that there was evidence from both the assistant principal and the resource officer that the Student confessed in their presence. "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).

All of the other arguments advanced by the Student rest on the premise that there was no evidence to support the tribunal's decision. Because the testimony by the assistant principal and the resource officer regarding the Student's confession constitutes some evidence, the other arguments raised by the Student are without merit.

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 and the Local Board acted within its authority. Accordingly, the Local Board's decision is  
**SUSTAINED.**

This \_\_\_\_\_ day of June 2002.

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**Bruce Jackson**  
**Vice Chairman for Appeals**