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STATE BOARD OF EDUCATION

STATE OF GEORGIA

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DAVID MYRICK,	:	
	:	
Appellant,	:	
	:	
vs.	:	**CASE NO. 2008-19**
	:	
WARREN COUNTY	:	
BOARD OF EDUCATION,	:	
	:	**DECISION**
Appellee.	:	

This is an appeal by David Myrick (Appellant) from a decision by the Warren County Board of Education (Local Board) to require him to have an escort, appointed by the school district, before he can enter any property of the school district. Appellant claims there was no evidence to support the Local Board's decision. The Local Board's decision is sustained.

The Local Superintendent barred Appellant from appearing on any property of the school district after Appellant caused a disturbance on school property on three occasions and refused to leave upon direction of school administrators. The Local Board upheld the Local Superintendent's directive following a hearing requested by Appellant. Appellant then appealed to the State Board of Education.

O.C.G.A. § 20-2-1180, in part, provides:

(a) It shall be unlawful for any person to remain upon the premises or within the school safety zone ... or to remain upon such premises or within such school safety zone when that person does not have a legitimate cause or need to be present thereon. Each principal or designee of each public ... school in this state shall have the authority to exercise such control over the buildings and grounds upon which a school is located so as to prohibit any person who does not have a legitimate need or cause to be present thereon from loitering upon such premises.
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(f) Nothing in this Code section shall be construed to prohibit school administrators from prohibiting the admission of any person who has violated school policy or state law.

O.C.G.A. § 20-2-1180 (LexisNexis 2007).

O.C.G.A. § 20-2-1181, in part, provides:

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It shall be unlawful for any person to disrupt or interfere with the operation of any public school ....

O.C.G.A. § 20-2-1181 (LexisNexis 2007).

O.C.G.A. § 20-2-1182 provides:

Any parent ... who has been advised that minor children are present and who continues to upbraid, insult, or abuse any public school teacher, public school administrator, or public school bus driver in the presence and hearing of a pupil while on the premises of any public school or public school bus may be ordered by any of the above-designated school personnel to leave the school premises or school bus, and upon failure to do so such person shall be guilty of a misdemeanor....

O.C.G.A. § 20-2-1181 (LexisNexis 2007).

"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 the instant case, there was evidence that Appellant accosted a teacher in the hallway between classes and berated her and questioned her credentials in front of her students. There was also evidence that Appellant accosted a student in the hallway and began asking him questions about confidential information. In another instance, Appellant refused to leave the school building when asked to leave by the principal, which resulted in the principal having to threaten to call the police.

There was evidence that the Local Board could determine that Appellant violated both O.C.G.A. § 20-2-1181 and § 20-2-1182. The Local Superintendent, therefore, under the authority of O.C.G.A. § 20-2-1180(f), had the authority to bar him from entering on school property without an escort.

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. The Local Board's decision, therefore, is
SUSTAINED.

This _____ day of January 2008.

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William Bradley Bryant
Vice Chairman for Appeals