

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>D. H.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2008-34</b>
	:	
<b>GWINNETT COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by D. H. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school until June 1, 2008, after finding him guilty of fighting on a bus. The Student claims that he was denied due process during the hearing and the evidence does not support the charges. The Local Board's decision is sustained.

On October 10, 2007, a fight started on a middle school bus when one student began attacking another student. The Student and three others joined in the attack and began beating on the victim.<sup>1</sup> The bus driver broke up the fight, but she had to call for assistance to calm the students on the bus.

The Student was charged with battery, causing physical injury to another student, and creating a disruption on a school bus. At a student disciplinary tribunal hearing, the bus driver and the victim identified the Student as one of the attackers. The Student admitted that he had created a disruption on the bus, but denied the other charges. The student disciplinary tribunal found him guilty of all the charges and expelled him from school until June 1, 2008, with the option of attending an alternative school during his expulsion period. When he appealed to the Local Board, the Local Board dismissed the finding that the Student caused injury to another student, but upheld the Student's expulsion until June 1, 2008. The Student then filed an appeal to the State Board of Education.

On appeal to the State Board of Education, the Student raises the same issues and arguments that were raised in *F. W. v. Gwinnett Cnty. Bd. of Educ.*, Case No. 2008-33 (Ga. SBE, Apr. 4, 2008). As found in *F. W.*, there is no merit to the arguments made by the Student for the reasons stated in *F. W.* It is, therefore, the opinion of the State Board

---

<sup>1</sup> See, *F. W. v. Gwinnett Cnty. Bd. of Educ.*, Case No. 2008-33 (Ga. SBE, Apr. 4, 2008), another case that arose from the same incident.

of Education that there was evidence to support the Local Board's decision and the Student was not denied any of his due process rights. Accordingly, the Local Board's decision is  
SUSTAINED.

This \_\_\_\_\_ day of April 2008.

---

William Bradley Bryant  
Vice Chairman for Appeals