

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. M.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2008-45
	:	
SAVANNAH-CHATHAM COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by C. M. (Student) from a decision by the Savannah-Chatham County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him after finding him guilty of fighting and making threats. The Student claims that there was no evidence to support the charges and the decision was too harsh. The Local Board's decision is sustained.

On November 15, 2007, the Student was involved in a fight with another student in the bus departure area of the high school they attended. The Student was charged with failing to comply with directions of school personnel; disrupting and interfering in the orderly operation of the school; causing a substantial disruption in the school environment; assault, battery, and threatening others; possession of weapons and dangerous instruments; and using or threatening to use a deadly weapon. A hearing was held before a student disciplinary tribunal officer at which testimony was provided by students who witnessed the fight. There were no weapons involved in the fight. After the hearing, the hearing officer expelled the Student from regular school. When the Student appealed to the Local Board, the Local Board upheld the expulsion. The Student then filed an appeal with the State Board of Education.

"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 the Student engaged in a fight on school property and the Local Board has the authority to expel him.

Part of the Student's complaint is that the punishment was too harsh. The State Board of Education, however, cannot adjust the level or degree of discipline imposed by a local board of education. *B. K. v. Bartow Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998).

Based upon the foregoing and upon the record below, 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 June 2008.

William Bradley Bryant
Vice Chairman for Appeals