

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. R. L.,	:	
	:	
Appellant,	:	CASE NO. 2010-58
	:	
vs.	:	
	:	
HOUSTON COUNTY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by C. R. L. (Student) from a decision by the Houston County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school until the end of the 2009-2010 school year, with assignment to an alternative school for the 2010-2011 school year, after finding him guilty of fighting. The Student claims that he was acting in self-defense, there was no evidence to support the charges, and the punishment is too harsh. The Local Board's decision is sustained.

On December 4, 2009, the Student engaged in a fight on school property.¹ Four individuals began kicking and hitting on the car he was sitting in with two other students. The Student exited the car and began fighting with one of the four individuals. The Student admitted that he engaged in a fight and the school system charged him with fighting and creating a disturbance at the school. During a hearing before a student disciplinary tribunal, the Student claimed that his actions were taken in self-defense. The tribunal, however, found him guilty of fighting and suspended him from school for the remainder of the 2009-2010 school year and assigned him to an alternative school for the 2010-2011 school year.

When the Student appealed to the Local Board, the Local Board upheld the tribunal's decision. The Student then appealed to the State Board of Education.

On appeal to the State Board of Education, the Student claims that he acted in self-defense and the decisions of the tribunal and the Local Board were arbitrary and capricious. "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*

¹ This case and *G. J. v. Houston County Board of Education*, Case No. 2010-60, arose out of the same incident.

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 addition, the State Board of Education 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). In the instant case, the Student admitted to getting out of the car and engaging in a fight. There is, therefore, evidence to support the Local Board's decision. O.C.G.A. § 16-3-21, which addresses self defense, provides that the use of force against another is justified only when there is a belief that such force is necessary to defend against the use of unlawful force. The evidence did not support the Student's claim that it was necessary for him to use force to protect himself since he was in the car, safe from any blows from the attackers.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that there is evidence to support the Local Board's decision. The Local Board's decision, therefore, is
SUSTAINED.

This _____ day of July 2010.

Mary Sue Murray
Vice Chair for Appeals