

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

H.G.,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 2010-89
	:	
HENRY COUNTY BOARD OF EDUCATION,	:	DECISION
	:	
	:	
Appellee.	:	

This is an appeal by H.G. (“Student”) from a decision by the Henry County Board of Education (“Local Board”) expelling the Student from school commencing April 2, 2010 through the first semester of the 2010-2011 school year, and allowing the Student to attend the Local Board’s alternative school. The Local Board took these actions because it found that the Student violated the Local Board’s rules by bringing alcohol to school and giving it to another student. For the reasons set forth below, the decision of the Local Board is SUSTAINED.

I. BACKGROUND

The Student attended Luella High School. On or about March 26, 2010, the Student brought alcohol to school and gave it to another student. On March 26, 2010, the Local Board sent the Student a charge letter notifying her of the charges and providing her a disciplinary hearing. At the hearing, the Student signed a waiver admitting that she brought alcohol to school and gave it to another student. As a result, the hearing officer recommended expelling the Student from school for the remainder of the 2009-2010 school year through the first semester of the 2010-2011 school year, with the option to enroll in the alternative school. The Local Board affirmed the decision of the hearing officer. The Student has appealed the Local Board’s decision to this Board.

II. ERROR ASSERTED ON APPEAL

A. Record Evidence.

The Local Board has the burden of proof when it charges a student with an infraction of its rules. Scott G. v. DeKalb County Bd. of Educ., Case No. 1988-26 (Ga. SBE, Sep. 1988). If the Local Board meets its burden, the State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision, unless there is abuse of discretion or the decision is arbitrary and capricious as to be illegal. See Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 1976). “[T]he State Board of Education will not disturb the finding [of the Local

Board] unless there is a complete absence of evidence.” F.W. v. DeKalb County Bd. of Educ., Case No. 1998-25 (Ga. SBE, Aug. 1998).

In this case, the Student signed a waiver admitting that she brought alcohol to school and gave it to another student. Thus, the record contains evidence supporting the decision of the Local Board.

B. Level of Punishment.

On appeal, the Student requests that this Board overturn and reduce the discipline she received. However, “[t]he State Board of Education . . . cannot adjust the level or degree of discipline imposed by a local board of education.” B.K. v. Bartow County Bd. of Educ., Case No. 1998-33 (Ga. SBE, Sep. 1998). Thus, this Board cannot alter the Student’s discipline.

III. CONCLUSION

Based upon the reasons set forth above, it is the opinion of the State Board of Education that the evidence supports the decision of the Local Board, and it is therefore **SUSTAINED**.

This _____ day of August 2010.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS