

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>K. P.,</b>	:	
	:	
<b>Appellant,</b>	:	<b>CASE NO. 2012-01</b>
	:	
<b>vs.</b>	:	
	:	
<b>HENRY COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

This is an appeal by K. P. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her from regular school until the end of the first semester of the 2011-2012 school year, with the option of attending alternative school during the period of expulsion, after finding her guilty of behavior detrimental to learning, being disrespectful to school personnel, using profane language, and verbally abusing others. The Student claims that there was no evidence that her comments were directed towards anyone. The Local Board’s decision is SUSTAINED.

On May 24, 2011, while taking a chemistry test, the Student attempted to obtain the attention of another student to borrow a calculator by throwing a pencil at the other student. The teacher told the Student to move to another seat. The Student then began arguing with the teacher, but moved. When the teacher turned around, the Student said, “Bitch”. At the end of the class, the Student again began arguing with the teacher about her test and then she threw the test at the teacher. As the Student left the room, she called the teacher a “stupid bitch”.

The Student was charged with (1) behavior detrimental to learning, (2) being disrespectful to school personnel, (3) using profane, vulgar, obscene, insulting, or threatening language, and (4) verbally abusing others. During a student disciplinary hearing, witnesses described the foregoing actions of the Student. The Student contended that her statements were not directed at the teacher, but the hearing officer found otherwise. The hearing officer expelled the Student until the end of the first semester of the 2011-2012 school year with the option of attending an alternative school during the expulsion period. The Local Board upheld the tribunal decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

The Student claims there was no evidence to support the charge that she verbally abused others.<sup>1</sup> "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). Here, there was evidence that the Student said "Bitch" twice immediately after the teacher spoke to her. The hearing officer could find that the Student's remarks were directed at the teacher.

Based upon the foregoing and a review of the record, 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 12th day of October 2011.

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MARY SUE MURRAY  
VICE CHAIR FOR APPEALS

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<sup>1</sup> This was the only charge that carried an expulsion penalty; the other violations would have resulted in a two-day suspension.