

STATE BOARD OF EDUCATION

STATE OF GEORGIA

**IRA C., LAWANDA G. and
DANA N.,**

Appellants,

vs

**DODGE COUNTY BOARD
OF EDUCATION,**

Appellee.

:
:
:
:
:
:
:
:
:
:
:
:
:

CASE NO. 1987-46

DECISION

PART I

SUMMARY

This is an appeal by three students (“Students”), who were expelled for the first semester of the 1987 1988 school year by the Dodge County Board of Education (“Local Board”). The Students were expelled for acts of sexual misconduct. The Students contend on appeal that they did not receive a due process hearing, that they were improperly questioned, that the expulsion of one student was racially motivated, and that other students had not been as severely punished for similar incidents in the past. The Local Board contends there is evidence to support the Local Board’s decision and the Students have not presented any grounds for reversal. The State Board of Education agrees with the Local Board.

PART II

FACTUAL BACKGROUND

In late October, 1987, the principal of Dodge County High School was informed that two students had possibly been involved in misconduct on campus. Upon questioning the two Students, each admitted acts of sexual misconduct on campus and implicated two other students in similar *acts* of misconduct. The principal questioned the other students and they also admitted

acts of sexual misconduct on campus. The principal suspended the Students and recommended the Students be expelled, pursuant to Local Board policy.

On November 3, 1987, the Local Board held a hearing regarding the recommendation for expulsion. At the hearing, the principal testified regarding the admissions that each Student had made, and each Student testified regarding the incident. The Students all recanted their admissions to some extent, with some denying all sexual misconduct and others admitting to less intimate conduct than had initially been admitted, according to the principal's testimony.

At the conclusion of the hearing, the local Board voted to expel the students for the first semester. The Students filed this appeal on November 16, 1987.

PART III

DISCUSSION

The Students contend on appeal that they did not receive a due process hearing, that they were improperly questioned, that one of the Student's expulsion *was* racially motivated, and that other students had not been as severely punished for similar incidents in the past.

The Students' contentions provide no grounds for reversal of the Local Board's decision. The Local Board provided the Students with a hearing and the Students have not shown that the hearing failed to provide them with their due process rights. The evidence did not show that there was any misconduct in the principal's questioning. The Students also have shown no evidence to support the charge that the discipline against one of the students might have been racially motivated.

The State Board of Education is not authorized to substitute its judgment for that of the local board and must sustain the decision of the local board if there is any evidence

to support the local board's decision, absent an abuse of discretion or violation of law by the local board. See, Ransum v. Chattooga Cnty. Bd. of Ed., 144 Ga. App. 783 (1978); Antone v. Greene Cnty. Bd. of Ed., Case No. 1976-11. The Students have provided no legal basis upon which the State Board of Education could base a reversal of the decision of the Local Board.

PART IV

DECISION

Based upon the foregoing discussion, the record submitted, and the briefs presented, the State Board of Education concludes that there was evidence to support the decision of the Local Board and the discipline imposed by the Local Board was within its authority and did not constitute an abuse of discretion. The decision of the Local Board is, therefore,

SUSTAINED.

John M. Taylor
Vice Chairman for Appeals