

STATE BOARD OF EDUCATION

STATE OF GEORGIA

SCOTT C.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1988-1
v.	:	
FULTON COUNTY BOARD	:	DECISION
OF EDUCATION,	:	
	:	
Appellee.	:	

PART I

SUMMARY

This is an appeal by Scott C. (hereinafter “Student”) from a decision to expel the Student and assign the Student to alternative school. The Student was disciplined for using inappropriate language, for failing to comply with reasonable directions of teachers, and for being absent from class without permission. The Student contends on appeal that he was the target of a vendetta by the school administration. The Local Board contends there is evidence to support the Local Board’s decision and the Student has not presented grounds for reversal.

PART II

FACTUAL BACKGROUND

The Student in this case has a long history of disciplinary problems. Much of the evidence in the record consists of a notebook full of school records recapping the Student’s use of vulgar language in school, and the Student’s failure to abide by the commands of school authorities. In spite of repeated disciplinary measures taken by the school authorities, the Student continued to use vulgar language in the classroom and refused to follow reasonable directions given by his teachers. The latest incident of this nature resulted in the Student being referred to the Fulton County School’s Disciplinary Tribunal (hereinafter “Tribunal”) for appropriate disciplinary measures.

The Tribunal held a hearing regarding the Student's conduct. Testimony was presented that the Student used vulgar language in the classroom, refused to follow reasonable directions of his teachers, and left the school building without permission. Based upon the testimony, the Tribunal members decided the Student had committed the alleged infractions. The Tribunal then considered the Student's past history to determine the disciplinary action to be taken. The Student's past disciplinary record showed repeated instances of misconduct and, based on the testimony and the Student's past history, the Tribunal members determined that the Student should be expelled through winter quarter, but that the expulsion would be suspended upon the Student's enrollment at the South Fulton Alternative Center under a strict attendance and behavior contract. Additionally, the Student was referred to the educational support team and the school social worker.

The Student appealed the Tribunal's decision to the Local Board which upheld the decision of the Tribunal. It is from that decision the Student now appeals.

PART III

DISCUSSION

Appellant contends on appeal that the hearing was unfair, that the discipline was the result of a vendetta by school personnel, and that much of the testimony against the Student was hearsay. Appellant's contentions, however, do not provide grounds for the State Board to reverse the decision of the Local Board.

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.

There clearly was evidence that the Student violated the rules of the Local Board on a consistent basis over a long period of time, in spite of disciplinary measures taken against the Student. Requiring the Student to attend the alternative school was not an abuse of discretion. The discipline imposed was within the authority of the Local Board.

PART IV

DECISION

Based upon the foregoing discussion, the record submitted, and the briefs and arguments 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