

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>BRANGELA B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1988-10</b>
<b>v.</b>	:	
<b>DEKALB COUNTY BOARD</b>	:	<b>DECISION</b>
<b>OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Brangela B. ("Student") from a decision by the DeKalb County Board of Education ("Local Board") to affirm the decision of its Student Evidentiary Hearing Committee ("SEHC") to (1) suspend the Student for the remainder of the 1987-1988 school year, with the option of attending the Hamilton Alternative School; (2) place the Student on probation during the remainder of her years in high school, and (3) assign the Student to Open Campus beginning Fall Quarter, 1988, until her graduation. The Student was found guilty of violating the Local Board's rules as the result of an altercation with another student.

The Student was fifteen years old and in the tenth grade in December, 1987. At the end of the school day on December 11, 1987, the Student became involved in a fight with another student in the main hallway of their high school. According to the testimony presented before the SEHC, a controversy developed between the two students on the previous Monday. During the remainder of the week, various comments were exchanged between the two. When classes were over on Friday, December 11, 1987, the Student approached the other student in the hallway and said words to the effect that she wanted to talk. At first, the other student ignored the Student. The Student, however, followed and tapped the other student on the shoulder. The other student then turned and grabbed the Student's hair and they began scuffling. During the course of the ensuing struggle, the two students went into the girls' rest room at about the time the school principal arrived upon the scene. The principal ordered the two girls to stop fighting, but they

would not. Other teachers arrived on the scene and attempted to separate the two students, but the other student retained her grip on the Student's hair. They were finally separated. The Student then stepped toward the other student and said, "I'll get you at the bus stop."

The other student then jumped at the Student and again grabbed her hair. The teachers had to physically separate the two students a second time.

The Student was charged with violating the Local Board's rules 7a, 8a, 8b, 12 and 17, which provide, in part:

7. Violence involving actual physical contact
  - a. Offenses involving extreme physical violence. . .
  
8. Rude and disrespectful behavior or refusal to carry out instruction of faculty or staff
  - a. Rude and disrespectful behavior. .
  
  - b. Refusal to carry out instruction of faculty or staff. .
  
12. School Disturbance  
Acts which cause substantial disruption of the school environment and/or threaten the safety or well-being of other students. .
  
17. Threatening or intimidating student(s), but not involving actual physical contact. .

The SEHC found against the Student on all charges and suspended her from all regular units of the DeKalb County School System during the remainder of the 1987-1988 school year, with the option of attending the Hamilton Alternative School. Additionally, the SEHC placed the Student on probation until graduation. Beginning with the 1988 Fall Quarter, the Student would be permitted to only attend the Open Campus School until her graduation. The Student appealed the decision to the Local Board, and the Local Board upheld the SEHC decision. The Student then timely appealed to the State Board of Education.

On appeal, the Student claims the decision was too severe since she has never been involved in any fighting before, there were no weapons involved and no punches thrown, she did not start the fight, and she was unable to escape since the other student was holding her by the hair.

The Student also argues that the alternative school and the open campus deny her the right to participate in extracurricular activities, will prevent her from obtaining any scholarships, and will provide an inferior education. The Local Board argues that there was evidence presented that sustained the finding of the SEHC, and the decision was within its discretion.

If there is any evidence to support the decision of a local board of education, then the State Board of Education is required to uphold that decision unless there has been an abuse of discretion or violation of law. See, Ransum v. Chattooga Cnty. Bd. of Ed., 144 Ga. App. 783 (1978); Antone v. Greene Cnty. Bd. of Ed., Case No. 1976-11. A local board of education establish reasonable and lawful regulations governing the conduct of students. See Leoles v. Landers, 184 Ga. 580, 192 S.E. 218 (1937).

There was evidence presented to support the decision of the Local Board. The record shows that the Student was involved in a fight with another student and may have provoked the fight through her words and actions. Although the Student maintains she was unable to avoid the conflict because the other student attacked and held her hair, there was testimony that both students refused to release their grips on the other. Under the any evidence rule, there was sufficient evidence presented to sustain the Local Board's finding that its rules were violated.

The punishment imposed upon the Student is not unlawful and was within the discretion of the Local Board. The Local System has provided the Student with an opportunity to continue her education, notwithstanding the lack of extracurricular activities and any allegations concerning the quality of the alternative education. There was no evidence presented that the

rules established by the Local Board fail to be related to the need to preserve order and tranquility within the school. The State Board of Education, therefore, cannot substitute its judgment for that of the Local Board.

Based upon the foregoing, the brief and oral arguments presented, the decision of the Local Board is hereby  
SUSTAINED.

This 9<sup>th</sup> day of May, 1988.

John M. Taylor  
Vice Chairman for Appeals