

STATE BOARD OF EDUCATION

STATE OF GEORGIA

CHAD D.,	:	
	:	
Appellant,	:	
v.	:	
	:	CASE NO. 1992-8
DODGE COUNTY	:	
	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by Chad D. (“Appellant”) from a decision by the Dodge County Board of Education (“Local Board”) to uphold the decision of the principal of Dodge County High School to send him to the Alternative School for three days following an altercation with another student. Appellant argues that he was denied due process because he was arbitrarily disciplined since he was only acting in self-defense. The decision of the Local Board is sustained.

On November 20, 1991, another student unexpectedly struck Appellant while Appellant was at the school. Appellant admitted that he pushed the other student away with his foot but otherwise he did not resist the other student. As assistant coach heard the altercation and saw both students on the floor when he arrived. He separated the students and observed that Appellant was the only one bleeding.

Following the altercation, the assistant principal assigned both students to the alternative school for three days. The Local Boards student rules provide that if a student is involved in a fight the student can be suspended at the discretion of the principal.

Appellant’s parents filed an appeal to the Local Board on the grounds that Appellant was not fighting but was the victim of an attack by another student and only reacted in self-defense. Appellant, nevertheless, spent one day in the Alternative School before further discipline was suspended.

On December 12, 1991, the Local Board heard the appeal. Testimony was given that the school administrators were unable to determine the extent the two students were involved in the fight. After hearing from Appellant, the assistant coach, and the principal, the Local Board decided to uphold the discipline measures imposed by the principal.

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). There was some evidence available to the Local Board to make its decision. Appellant was not denied due process since his grades were not affected, long-term suspension was not involved, and Appellant had an opportunity to be heard.

Based upon the foregoing, the State Board of Education is of the opinion that there was some evidence available to support the Local Board's decision. The Local Board's decision, therefore, is

SUSTAINED.

This 14th day of May, 1992.

Mr. Brinson and Mr. Sears were not present.

James H. Blanchard
Vice Chairman for Appeals