

STATE BOARD OF EDUCATION

STATE OF GEORGIA

DARRELL D.,	:	
	:	
Appellant,	:	
v.	:	CASE NO. 1992-36
	:	
HENRY COUNTY	:	DECISION
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Darrell D. (“Student”) from a decision by the Henry County Board of Education (“Local Board”) to uphold the September 28, 1992, decision of a Disciplinary Hearing Tribunal to expel the Student for the remainder of the semester, with the option of enrolling in the alternative school, because he threatened another student with bodily harm. The Student claims on appeal to the State Board of Education that the punishment was too severe. The decision of the Local Board is sustained.

The Local Board has a rule that prohibits students from “verbally abusing others.” During the hearing before the Disciplinary Tribunal, the Student admitted that he had threatened to “bust” a girl’s jaw and that he was going to “hurt her.”

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 boards 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). In this case, there is evidence to support the Local Boards decision and there has not been any showing that the decision was arbitrary or capricious.

Based upon the foregoing, it is the decision of the State Board of Education that the Local Boards decision to expel the Student for the remainder of the semester with the option of attending alternative school is

SUSTAINED

This 14th day of January, 1993.

Mrs. King and Mr. Sears were not present.

Robert M.. Brinson
Vice Chairman for Appeals