

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

LADIEDRA H.,

Appellant,

vs.

**MUSCOGEE COUNTY
BOARD OF EDUCATION,**

Appellee.

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CASE NO 1993-42

DECISION

This is an appeal by Ladiedra H. (Student) from a decision by the Muscogee County Board of Education (Local Board) to uphold the October 21, 1993, decision by a Student Discipline Tribunal to place the Student in an alternative school for the remainder of the 1993-1994 school year because the Student threatened a teacher and acted defiantly and disrespectfully. The Student claims that the punishment was too severe and that her evidence was not considered. The Local Board's decision is sustained.

The Student is in the ninth grade. On October 21, 1993, a Student Discipline Tribunal conducted a hearing on charges that the Student violated Local Board rule twelve by threatening a teacher and by being defiant and disrespectful.

On October 7, 1993, a teacher saw the Student arguing with a classmate. The teacher removed the classmate to a locker room and told the Student to leave. The Student responded by threatening and cursing the teacher. The Student testified that she does not remember using profanity or making any threats, but, if she did, she was directing them at the classmate rather than at the teacher.

At the conclusion of the hearing, the Student Discipline Tribunal decided to place the Student in an alternative school for the remainder of the 1993-1994 school year. The Local Board upheld the decision and the Student, through her mother, filed an appeal to the State Board of Education.

"A local board of education is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. *See, Boney v. County Board of Education of Telfair County*, 203 Ga. 152 (1947); *Braceley v. Burke County Bd. of Ed*, Case No. 1978-7." *Joseph M v. Jasper Cnty. Bd. of Educ.*, Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). "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).” *Roderick J v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). In this case, there is evidence to support the Local Board’s decision and there has not been any showing that the decision was arbitrary or capricious. The Student made the threats and curses after the classmate had already been removed from the situation, which casts doubt on the Student’s claim that her actions were directed to the classmate. The State Board of Education, therefore, concludes that there is evidence to support the Local Board’s decision.

Based upon the foregoing, it is the decision of the State Board of Education that the evidence supports the Local Board’s decision and there has not been any showing that the decision was arbitrary or capricious. The Local Board’s decision, therefore, is SUSTAINED.

This 10th day of March, 1994.

Mr. Williams was not present Mr. Lathem’s seat is vacant due to his resignation effective December 31, 1993.

Robert M. Brinson
Vice Chairman for Appeals