

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

|                            |   |                        |
|----------------------------|---|------------------------|
| <b>R. S.,</b>              | : |                        |
|                            | : |                        |
| <b>Appellant,</b>          | : | <b>CASE NO. 1997-4</b> |
| <b>vs.</b>                 | : |                        |
|                            | : | <b>DECISION</b>        |
| <b>DEKALB COUNTY</b>       | : |                        |
| <b>BOARD OF EDUCATION,</b> | : |                        |
|                            | : |                        |
| <b>Appellee.</b>           | : |                        |

This is an appeal by R. S. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him for the remainder of the 1996-1997 school year after finding him guilty of being involved in an incident that resulted in a teacher ingesting some ammonium hydroxide that caused her to be out of school for an extended period. The Student claims that the evidence did not support the decision. The Local Boards decision is sustained.

On the morning of October 16, 1996, the Student was in the homeroom of Ms. May, a chemistry teacher at Columbia High School. Ms. May told the Student to remain outside the classroom while she went to the office with a pager she had confiscated from another student. While Ms. May was gone, another student poured some ammonium hydroxide into Ms. May's coffee cup from a beaker that had been set out for a chemistry demonstration during the first class period. A rubber stopper from the beaker fell into Ms. May's coffee cup and the Student took it out.

When Ms. May returned to the classroom, she took a large gulp of coffee to wash down some aspirin. She instantly realized there was something in the coffee, but it was too late to stop the ammonium hydroxide from entering her system. Because of the medical complications that resulted, Ms. May was absent from school for several days.

The Student was charged with violating three disciplinary rules "Rule 4, which forbids threatening a staff member, Rule 11, which prohibits classroom disturbances, and Rule 12, which bans school disturbances. - A student disciplinary tribunal met on November 11, 1996, and found that the Student had violated each of the rules. The tribunal suspended the Student for the remainder of the 1996-1997 school year. The Local Board upheld the tribunal's decision on appeal. The Student then appealed to the State Board of Education.

The Student claims that the evidence presented did not support the charges made against him. He claims there was no showing that he was aware anything had been poured into Ms. May's coffee cup or that he had any intention of harming Ms. May.

The Student claims he did not violate Rule 4, "Threatening [the] person ... of [a] faculty member ... or causing inappropriate bodily contact, ... because he did not say anything to Ms. May and did not touch her. The Local Board argues that Ms. May was threatened because of the potential for injury posed by the ammonium hydroxide and there was inappropriate bodily contact when Ms. May drank the ammonium hydroxide in her coffee. The Local Board also argues that the Student contributed to Ms. May's injuries by removing the rubber stopper from her coffee cup, thus hiding the fact that something had been done to her coffee.

The Student also claims he did not violate Rule 11, "Classroom disturbance, ..." or Rule 12, "Acts which cause substantial disruption of the school environment ...". He claims there was no disturbance in the classroom or in the school and no disruption of the educational process occurred.

"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 (1978); Antone v. Greene County Bd. Of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976); Roderick J. v. Hart County Bd. of Educ., Case No. 199 1-14 (Ga. SBE, Aug. 8, 1991). In the instant case, there was testimony that the Student removed the rubber stopper from Ms. May's coffee cup. There was, therefore, some evidence that the Student actively participated in the actions that resulted in Ms. May's injuries. The Local Board, therefore, could deem his action as threatening to Ms. May.

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

This 10<sup>th</sup> day of April, 1997.

Dr. Bill Grow, Ms. Willou Smith, and Mr. J.T. Williams were not present.

Larry Thompson  
Vice Chairman for Appeals