

STATE BOARD OF EDUCATION

STATE OF GEORGIA

R. V.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1999-26
	:	
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by R. V. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her through the first semester of the 1999-2000 school year, with the option of attending an alternative school during the expulsion period. The tribunal's decision followed a finding that the Student engaged in a fight at school and struck a teacher. The Student argues that the witnesses were not credible, that a teacher should have intervened in the fight, and that her punishment was too harsh. The Local Board's decision is sustained.

The Student, an eighth grader, engaged in a fight with another student on March 23, 1999 after pushing a teacher out of the way when the teacher attempted to intervene. The Student claimed that she was only trying to defend herself.

"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). There was evidence that the Student engaged in the fight after a teacher told her not to fight. "It is the duty of the hearing tribunal to determine the veracity of the witnesses and the State Board of Education will not go behind such determinations if there is any evidence to support the decision." *David L. v. DeKalb Cnty. Bd. of Educ.*, Case No. 1996-1 (Ga. SBE, Apr. 11, 1996).

Based upon the foregoing, the State Board of Education is of the opinion that there was evidence to support the Local Board's decision and the decision was not arbitrary or capricious. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of August 1999.

Bruce Jackson
Vice Chairman for Appeals