

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. W.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1999-33
	:	
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by C. W. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a disciplinary tribunal to expel him until the end of the first semester of the 1999-2000 school year, with the option of attending an alternative school and applying for early re-admittance at the mid-term of the first semester of the 1999-2000 school year. The tribunal found that the Student was guilty of assault, simple battery, battery, refusal to follow instructions, and classroom disturbance. The Student claims that he was merely defending himself. The Local Board's decision is sustained.

On April 28, 1999, another student attacked the Student in a science class. After the initial fighting stopped, the Student renewed the fight when the other student attempted to walk away. After the Student was taken to the assistant principal's office, he began making threats against the other student. The assistant principal told him to stop, but the Student continued to make threats.

Although the Student may have initially only defended himself, he turned into the aggressor, thus taking his actions out of the realm of self-defense. There was, therefore, evidence to support the Local Board's decision.

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 that the Local Board acted within its discretion and authority. The Local Board's decision, therefore, is **SUSTAINED.**

This _____ day of September 1999.

Bruce Jackson
Vice Chairman for Appeals