

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>C. C.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 1999-66</b>
	:	
<b>DEKALB COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by C. C. ("Student") from a decision by the DeKalb County Board of Education ("Local Board") to uphold the decision of a disciplinary tribunal to suspend him through the end of the first semester of the 1999-2000 school year, with the option of attending an alternative school, after finding him guilty of threatening to bomb the school. The Student claims there was no evidence to support the charges. The Local Board's decision is sustained.

On May 24, 1999, the Student dialed 911 on a cellular telephone and reported that there was a bomb in the school he was calling from. When the principal began investigating the incident, some students identified the Student as the caller. The Student admitted he dialed 911, but denied that he had made a threat. Instead, he claimed, that he might have said something about bombs being in schools without knowing that the cellular telephone was transmitting.

"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). "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 determination 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). In the instant case, although the Student denied that he made the threat, the fact that the call came from the cellular telephone he possessed, and his confession that he dialed 911 are facts from which the tribunal could determine that he was the one who made the threat.

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

This 23<sup>rd</sup> day of February 2000.

---

Bruce Jackson  
Vice Chairman for Appeals