

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>B. H.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2004-01</b>
	:	
<b>GWINNETT COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by B. H. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her from regular school until January 7, 2004, with the option of attending an alternative school during the expulsion period. The expulsion resulted after the tribunal found the Student guilty of disrupting school, lying to administrators, being rude, chronic disruption, and violating school rules when she refused to tell who was involved in making a bomb threat at the school. The Student claims that it was physically impossible for her to have seen the note containing the threat and the tribunal made a mistake in finding her guilty. The Local Board's decision is sustained.

On February 25, 2003, a teacher found a note on her teaching cart that said there was a bomb in the building. School authorities immediately began an investigation by questioning the students in the class that met immediately before the discovery of the note. The Student was one of the first students questioned because of her seating proximity to the cart. The Student denied that she had any knowledge about the note. Other students, however, implicated the Student in the incident. Finally, the student who wrote the note admitted his involvement and said that the Student had given him the pen he used to write the note and that he had shown her the note and she laughed after reading it.

The Student was called back for questioning again. The Student refused to verify her address, her telephone number, her mother's name and her date of birth. She became very loud and exhibited a hostile attitude to the resource officer who was questioning her.

The school system charged the Student with disruption and interference with school, rude and disrespectful conduct, disregard of directions, conduct subversive to good order, and repeated violations. A student disciplinary tribunal conducted a hearing on the charges, found the Student guilty, and decided to expel her from regular school until January 7, 2004, with the option of attending alternative school during the period of expulsion. When the Student appealed the decision to the Local Board, the Local Board


agreed with the tribunal and upheld the decision. The Student then appealed to the State Board of Education.

On appeal, the Student claims that the evidence did not support the charges. "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 said that she did not know anything about a note during the class. Consequently, school officials had to question several other students before they learned who wrote the note and were able to determine whether the note posed an actual threat. There was also evidence that the Student was belligerent and refused to cooperate when she was asked to verify her home address, her telephone number, and her mother's name. There was also evidence of multiple disciplinary actions against the Student. Accordingly, the State Board of Education concludes that there was evidence to support the Local Board's decision.

The Student claimed that she could not see the note because she did not have her glasses on when the note was handed to her by the author. The Student, however, was not charged with having knowledge of what was contained in the note. Instead, she was charged with failure to cooperate with the school officials during their conduct of an investigation. Her failure to identify the author of the note caused considerable disruption to the school because of the need to question several other students. If the Student had identified the author when she was initially asked about the note, then a lengthy investigation, with all of the attending anxiety caused by a bomb threat, could have been avoided.

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 9<sup>th</sup> day of October 2003.

  
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Wanda T. Barrs  
Chairperson - State Board of Education