

STATE BOARD OF EDUCATION

STATE OF GEORGIA

D. R.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-15
	:	
THOMAS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by D. R. (Student) from a decision by the Thomas County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him until the end of the 2006-2007 school year after finding him guilty of battery on a school employee. The decision of the Local Board is sustained.

On September 11, 2006, the Student pushed an assistant principal as the Student was attempting to leave a classroom. The Student was charged with battery on a school employee.

The Student claims he did not commit battery on a school employee. "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). In the instant case, there was direct testimony by the assistant principal that the Student placed his hands on the assistant principal in an effort to escape from the room they were in.

Based upon the foregoing, it is the opinion of the State Board of Education that there was some evidence that the Student committed battery against a school employee. The Local Board's decision, therefore, is hereby
SUSTAINED.

This _____ day of January 2007.

William Bradley Bryant
Vice Chairman for Appeals