

STATE BOARD OF EDUCATION

STATE OF GEORGIA

L. B.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-45
	:	
BROOKS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by L. B. (Student) from a decision by the Brooks County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to assign him to an alternative school until the end of his school career after finding him guilty of engaging in sexual behavior in school. The Student claims that the evidence did not support the decision. The Local Board’s decision is sustained.

A female student claimed that she and the Student engaged in consensual sex in the school. The female student gave a detailed written statement concerning her conversation with the Student, her agreement to have sexual intercourse with him, where they went in the school, and the fact that they engaged in sexual intercourse. The Student was charged with a violation of the Local Board’s rule that prohibits sexual behavior or contact in school.

At the hearing before a student disciplinary tribunal, the female student recanted her written statement and claimed that the Student did not have sexual intercourse with her. The Student also denied any involvement with the female student. The tribunal found the Student guilty and assigned him to an alternative school for the remainder of his high school career. The Local Board upheld the tribunal’s decision on appeal and the Student then filed an appeal to the State Board of Education.

The Student claims there was no evidence to support the tribunal’s decision since the female student recanted her written statement. The tribunal, however, could consider the written statement as substantive evidence and disbelieve the female student’s testimony at the hearing. *See, Brown v. State*, 175 Ga. App. 246, 247, 333 S.E.2d 124, 125 (1985). "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). Here, there was evidence to support the tribunal's decision.

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. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of June 2007.

William Bradley Bryant
Vice Chairman for Appeals

SUMMARY

This is an appeal by L. B. (Student) from a decision by the Brooks County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to assign him to an alternative school until the end of his school career after finding him guilty of engaging in sexual behavior in school. The Student claims that the evidence did not support the decision. The Local Board's decision is sustained.