

**STATE BOARD OF EDUCATION  
STATE OF GEORGIA**

<b>J. P.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>v.</b>	:	<b>CASE NO. 2008-39</b>
	:	
<b>GWINNETT COUNTY BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

This is an appeal by J.P. ("Student") from a decision by the Gwinnett County Board of Education ("Local Board") to suspend the Student from school until December 18, 2008. Specifically, the Local Board found that the Student engaged in sexual harassment, disorderly conduct and use of profanity.

The State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision of the Local Board, unless there is abuse of discretion or the decision is arbitrary and capricious as to be illegal. See Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976). In this case, the record contains admissible evidence showing that the Student made inappropriate sexual and profane remarks to a female student. On appeal, the Student's argument is simply his disagreement with the evidence of the female student. However, this Board is bound by the any evidence rule.

The Student further asserts that the discipline he received is too harsh. "The State Board of Education, however, cannot adjust the level or degree of discipline imposed by a local board of education." B.K. v. Bartow County Bd. of Educ., Case No. 1998-33 (Ga. SBE, Sep. 10, 1998).

Based upon the reasons set forth above, it is the opinion of the State Board of Education that the evidence supports the decision of the Local Board, and it is therefore **SUSTAINED**.

This \_\_\_\_\_ day of May 2008.

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WILLIAM BRADLEY BRYANT  
VICE CHAIRMAN FOR APPEALS