

STATE BOARD OF EDUCATION
STATE OF GEORGIA

MICHELLE S.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1996-28
vs.	:	
	:	DECISION
GRIFFIN-SPALDING COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Michelle S. (Student) from a decision by the Griffin-Spalding County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to expel her for the remainder of the 1995-1996 school year and for the entire 1996-1997 school year after finding her guilty of fighting with another student, striking a teacher in the face, and refusing to obey the directions of a teacher. The Student argues that the evidence was conflicting and the punishment is too harsh. The decision of the Local Board is sustained.

On February 23, 1996, the Student, an eighth grader, began fighting with another student while in the gymnasium. Two teachers attempted to separate the students. The Student struck the teacher who was holding her in the face. Another teacher arrived and the fracas was stopped.

A Student Disciplinary Tribunal heard the case on March 8, 1996. There was conflicting evidence presented concerning whether the Student struck the teacher who was holding her. The Tribunal decided that the Student had struck the teacher and found her guilty of all the charges brought against her. The Tribunal decided to expel the Student for the remainder of the 1995-1996 school year and for the entire 1996-1997 school year, and to permit her to enter the alternative school at the beginning of the 1997-1998 school year. On March 26, 1996, the Local Board upheld the Tribunal's decision. The Student then appealed to the State Board of Education.

On appeal, the Student argues that the evidence was in conflict. The Student then proposes several speculative scenarios of what might have happened. The State Board of Education, however, is an appellate body and is bound by the findings of the trier of fact. "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). While there was some conflict in the testimony presented, it was the duty of the Tribunal to decide what occurred. It is undisputed that the Student was involved in a fight with another student, and there was evidence presented that she struck a teacher in the face while the teacher was attempting to restrain her. The State Board of Education, concludes that there is evidence in the record to support the Local Board's decision.

The Student next argues that the punishment is too harsh because she has only received short-term suspensions for previous incidents and has been improving her grades. "The control and management of the public schools constitutionally rests with the county board of education and such control and management will not be interfered with except where that control and management is contrary to law. *See, Colson v. Hutchinson*, 205 Ga. 559, 67 S.E.2d 764 (1951); *Boney v. County Board of Education for Telfair County*, 203 Ga. 152 (1947)." *Martinius C. v. Griffin-Spalding County Bd. of Educ.*, Case No. 1992-12 (Ga. SBE, Jul. 9, 1992). The Student was involved in previous fights with other students and the Local Board's policies provide for expulsion upon the third offense. The previous short-term suspensions were in accordance with the Local Board's policies and the Tribunal's decision also follows the Local Board's policies. The State Board of Education, therefore, concludes that the Tribunal's decision, and the Local Board's decision, was not arbitrary or capricious.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision is not arbitrary or capricious and there is evidence to support the decision. Accordingly, the Local Board's decision is SUSTAINED.

This 8th day of August, 1996.

Mr. Brinson, Mr. Sessoms, Ms. King were not present. The seat for the Eleventh District is vacant.

J. T. Williams, Jr., Chairman
State Board of Education