

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>N. B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1997-48</b>
vs.	:	
	:	<b>DECISION</b>
<b>COLQUITT COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by N. B. (Student) from a decision by the Colquitt County Board of Education to uphold a student disciplinary tribunal’s decision to assign him to night school after finding him guilty of fighting and hitting a teacher. The Student claims that the evidence did not support the tribunal’s decision. The Local Board’s decision is sustained.

Testimony was given before the student disciplinary tribunal that on May 30, 1997, the Student disobeyed a teacher, engaged in a fight with another student, and struck a teacher who attempted to stop the fight.

On appeal, the Student claims that the evidence does not support the charges that he committed assault and battery, disregarded instructions, and created a disruption at school. “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 (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 evidence presented that the Student engaged in disruptive activity and there was testimony that he struck a teacher while attempting to hit another student. The State Board of Education, therefore, concludes that there was evidence to support the tribunal’s decision and the Local Board’s decision.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion and there was evidence to support the Local Board's decision. The Local Board's decision, therefore, is SUSTAINED.

This 12<sup>th</sup> day of February, 1998.

Dr. Bill Grow was not present.

Larry Thompson  
Vice Chairman for Appeals

