

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. S., :
 :
 Appellant, :
 :
 vs. : **CASE NO. 2000-01**
 :
 DEKALB COUNTY :
 BOARD OF EDUCATION, :
 : **DECISION**
 Appellee. :

This is an appeal by A. S. (Student) from a decision by the DeKalb County Board of Education (Local Board) to expel her until the end of the first semester of the 1999-2000 school year, with the option of attending an alternative school, after a student disciplinary tribunal found her guilty of fighting at school. The Student claims she was merely defending herself, the punishment was too harsh, and she was denied equal protection. The Local Board's decision is sustained.

On October 13, 1999, the Student was admittedly involved in a fight on school grounds with another student. A student disciplinary tribunal heard testimony that the two engaged in attempts to trip one another on a bus the previous day. The October 13 encounter resulted when the Student sought out the other student and they began exchanging words and pushing one another. The other student was thrown to the ground and the Student began kicking her before the fight was stopped. Regardless whether the other student threw the first punch, there is evidence from which the tribunal could conclude that the Student instigated the incident by seeking out the other student. Additionally, the tribunal could have concluded that self-defense was not involved because the Student began kicking the other student after throwing her to the ground. The State Board of Education concludes that the Student's claim of self-defense does not establish any basis for disturbing the Local Board's decision.

The Student also claims that the punishment was too harsh since she was only defending herself. "A local board of education ... is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. *See, Boney v. County Board of Education for Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947); *Braceley v. Burke County Bd. of Ed.*, Case No. 1978-7." *Joseph M. v. Jasper Cnty. Bd. of Educ.*, Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). The Local Board has the authority to suspend or expel its students for fighting and, as stated above, the tribunal could have concluded that self-defense was not involved. The State Board of Education, therefore,

concludes that the Local Board did not abuse its discretion by deciding to expel the Student through the end of the first semester of the 1999-2000 school year.

Finally, the Student claims that she was denied equal protection of law because the other student involved in the fight was not similarly disciplined. There was no evidence presented before the tribunal to support the Student's claim. There also was no showing that the student was similarly situated. The tribunal and the Local Board could have considered the Student to be the aggressor since she initially tripped the other Student on the bus and then sought out the other student the next day. The State Board of Education, therefore, concludes that there is no basis for the Student's claim that she was denied equal protection of law.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision was not an abuse of discretion and did not deny the Student equal protection. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of April 2000.

Bruce Jackson
Vice Chairman for Appeals