STATE BOARD OF EDUCATION

STATE OF GEORGIA

J.B.,	:	
Appellant,	:	
v.	:	**CASE NO. 2008-59**
FULTON COUNTY BOARD OF EDUCATION,	:	**DECISION**
Appellee.	:	

This is an appeal by J.B. (Student) from a decision by the Fulton County Board of Education upholding the student disciplinary tribunal's decision to expel the Student through December 2008 with a waiver of the expulsion to allow the Student to attend the District's Crossroads/Second Chance program, and adding his referral to the Student Support Team. The Student failed to file a brief or request oral argument. Therefore, the Student's appeal is deemed to have been abandoned. *Chris M. v. McIntosh County Bd. of Educ.*, Case No. 1995-47 (Ga. SBE, Jan. 11, 1996). Accordingly, this appeal is hereby **DISMISSED**.[1]

This ___ day of July 2008.

WILLIAM BRADLEY BRYANT
VICE CHAIRMAN FOR APPEALS

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[1] The Student contends that his notice of appeal contains his brief. However, the Student was specifically provided notice to file his brief within 20 days after docketing. Moreover, even assuming this appeal was proper, 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 admitted to possessing brass knuckles on the school bus and violating the Local Board's weapons rule.

In addition, in his notice of appeal, the Student appears to be questioning the level of discipline he received. "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). Thus, even if this appeal was proper, it is the opinion of the State Board of Education that the evidence supports the decision of the Local Board, and the decision would be **SUSTAINED**.