

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

J.W.,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 2011-38
	:	
ATLANTA INDEPENDENT SCHOOL SYSTEM,	:	DECISION
	:	
	:	
Appellee.	:	

This is an appeal by J.W. (“Student”) from a decision by the Atlanta Independent School System (“Local Board”) requiring her to attend the Super Stop Program, to complete twenty-five (25) hours of community service, to draft an essay on lessons learned from the incident, and placing her on probation for the remainder of the school year. The Local Board took these actions because it found that the Student violated the Local Board’s rules by engaging in fighting. For the reasons set forth below, this appeal is **SUSTAINED**.

I. BACKGROUND

The Student attends Douglass High School as a ninth grade student. On or about August 27, 2010, the Student was involved in a fight with several other students. Another student became angry with the Student because the Student allegedly caused their team to lose a relay race in their Physical Education class. After the class, the two students exchanged words, and the Student and the other student engaged in a fight, in which both students’ sustained injuries. As a result, the Local Board charged the Student with fighting.

On September 22, 2010, the Student was provided a hearing. At the hearing, the other student testified that she and the Student were involved in a fight. The Student testified that she did not get the opportunity to fight back. The Assistant Principal testified that when he arrived at the scene that the other student was on the ground and had to be transported to the hospital by paramedics. The Assistant Principal further testified that the Student told him the other student placed her finger in her face. The Student further admitted that, in response, she hit the other student’s finger, at which time they began fighting.

After hearing all the evidence, the hearing officer found that the Student’s conduct violated the Local Board’s rules. The hearing officer recommended transferring the Student to Mays High School, restricted her from attending school activities, other than activities at Mays High School. In addition, the hearing officer recommended that the Student attend the Super Stop program, complete twenty-five (25) hours of community service, draft an essay on lessons learned from the incident, and placed her on probation for the remainder of the school year. The

Local Board affirmed the decision of the hearing officer, but modified the discipline by permitting the Student to remain at Douglas High School and allowing her to attend events at other schools. The Student has appealed the Local Board's decision to this Board.

II. ERROR ASSERTED ON APPEAL

A. Record Evidence.

The Local Board has the burden of proof when it charges a student with an infraction of its rules. Scott G. v. DeKalb County Bd. of Educ., Case No. 1988-26 (Ga. SBE, Sep. 1988). If the Local Board meets its burden, the State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision, 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. 1976). “[T]he State Board of Education will not disturb the finding [of the Local Board] unless there is a complete absence of evidence.” F.W. v. DeKalb County Bd. of Educ., Case No. 1998-25 (Ga. SBE, Aug. 1998).

In this case, the record contains evidence that the Student was engaged in a fight with another student. Specifically, the other student testified that she and the Student were involved in a fight. The Assistant Principal testified that the Student admitted to hitting the other student's finger, which started the fighting. Thus, the decision of the Local Board is supported by the evidence.

III. CONCLUSION

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 March 2011.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS