

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. C.,	:	
	:	
Appellant,	:	CASE NO. 2011-58
	:	
vs.	:	
	:	
SAVANNAH-CHATHAM COUNTY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by C. C. (Student) from a decision by the Savannah-Chatham County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her from regular school until June 10, 2011 after finding her guilty of fighting. The Student claims that the punishment was too harsh. The Local Board's decision is **SUSTAINED**.

On December 7, 2010, the Student engaged in a fight with another student. The fight was observed by administrators in the alternative school where the Student was assigned at the time. The Student was charged with (1) failure to comply with school personnel directions, (2) disrupting the orderly operation of the school, (3) causing a disruption in the school environment, (4) committing an illegal act, (5) assault and battery, (6) verbal assault, and (7) disrespectful conduct. The matter was referred to a student disciplinary hearing officer. After receiving testimony from witnesses to the fight, the hearing officer found the Student guilty of the charges and expelled her until June 10, 2011.

The Local Board upheld the hearing officer's decision and the Student then appealed to the State Board of Education pursuant to the provisions of O.C.G.A. § 20-2-1160. The Student complains that the punishment is too harsh and that some leniency should be granted for her behavior since she was in the alternative school. 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 Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998). "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). There was evidence to support the

Local Board's decision that the Student was involved in a fight and that the fight created a substantial disruption in the school.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that there was evidence to support the decision of the Local Board. The Local Board's decision is, therefore, **SUSTAINED.**¹

This _____ day of June 2011.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS

¹ The case is also essentially moot since the expulsion period will be over on June 10, 2011.