

STATE BOARD OF EDUCATION

STATE OF GEORGIA

P. R.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-30
	:	
FULTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by P. R. (Student) from a decision by the Fulton County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her from regular school for the remainder of the 2006-2007 school year and assign her to an alternative school after finding her guilty of fighting in school. The Student claims there were procedural errors in the conduct of the hearing, there was insufficient evidence to support the charges, and the punishment was too severe. The appeal is dismissed because the Student failed to request oral argument or submit a timely brief.

On January 19, 2007, the Student was informed that she had 10 days to request an oral argument in connection with her appeal to the State Board of Education, and 20 days in which to file a brief setting forth her arguments. The Student failed to request an oral argument and, without requesting an extension and without any excuse, failed to file her brief until 15 days after the date her brief was due. In failing to file a timely brief, the Student has waived her right to have her brief considered, which has the same effect as if she had not filed a brief. If oral argument is not requested and a brief is not filed, the appeal is deemed to have been abandoned. *Chris M. v. McIntosh Cnty. Bd. of Educ.*, Case No. 1995-47 (Ga. SBE, Jan. 11, 1996).

The Student admitted to fighting in school, but claimed she did not start the fight. The Student has a substantial disciplinary record. "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). Thus, even on the merits, the Local Board's decision is supported by the evidence.

Because the Student failed to request oral argument or file a timely brief, the appeal is deemed to have been abandoned. Accordingly, the appeal is hereby **DISMISSED**.

This _____ day of April 2007.

William Bradley Bryant
Vice Chairman for Appeals