

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**ALEXIS H.,** )  
 )  
 **Appellant.** )  
 )  
 **v.** ) **CASE NO. 1986-46**  
 )  
 **DEKALB COUNTY BOARD** )  
 **OF EDUCATION.** )  
 )  
 **Appellee.** )

**ORDER**

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting.

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Dekalb County Board of Education herein appealed from is hereby sustained

This 11th day of December, 1986.

LARRY A. FOSTER, SR.  
Vice Chairman for Appeals

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>ALEXIS H.,</b>	)	
	)	
<b>Appellant.</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO. 1986-46</b>
	)	
<b>DEKALB COUNTY BOARD OF EDUCATION.</b>	)	<b>RECOMMENDATION OF HEARING OFFICER</b>
	)	
<b>Appellee.</b>	)	

**PART I**

**SUMMARY**

This is an appeal by the mother of Alexis H. (hereinafter "student") train a decision of the Dekalb County Board of Education (hereinafter "Local Board") to suspend the Student from all regular units of the DeKalb County System for the remainder of the fall quarter with the option of attending Hamilton Alternative School, and placing the Student on strict probation through the 1987-1988 school year. The Student was found guilty of possession of alcohol on school property. The Student contends on appeal that the punishment was not in keeping with her crime. The Hearing Officer recommends the decision of the Local Board be sustained.

**PART II**

**FACTUAL BACKGROUND**

On September 3, 1986, the Assistant Principal at Druid Hills High School saw the Student standing in front of her locker. On the floor in front of her locker, he saw a broken bottle of alcohol. He asked the Student to step away from the locker and, upon searching her locker; he found a bottle of alcohol in her locker. The Student admitted to the Assistant Principal to bringing and being in possession of the alcohol.

The Student was given a local hearing on September 4, 1986, and, as a result of being found guilty at the local hearing, her case was referred to the Student Evidentiary Hearing Committee for a more formal hearing. The Student Evidentiary Hearing Committee also found the Student guilty of possession of alcohol while on school property, and suspended the Student from all regular units of the Dekalb County School System for the remainder of the fall quarter, with the option of attending Hamilton Alternative School during the suspension period. The Committee placed the Student on probation through the fall of 1987-88. The Student appealed the Student Evidentiary Hearing Committee's decision to the Local Board. The Local Board sustained the Student Evidentiary Hearing Committee's decision on September 22, 1986. The Student's mother filed this appeal and contended that the Student was a good Student and the punishment given the Student did not fit the crime.

### **PART III**

#### **DISCUSSION**

The State Board of Education is authorized to hear appeals from decisions of local boards of education under O.C.G.A. § 20-2-1160. However, the State Board of Education is not allowed to substitute its judgment for that of the Local Board. The State Board of Education is bound to sustain the decision of the local board if there is any evidence to support the decision of the Local Board, absent a violation of law or an abuse of discretion on the part of the Local Board. See Ransom V. Chattanooga Cnty. Bd. of Ed., 144 Ga. App. 783 (1978); Antone v. Greene Cnty. Bd. of Ed., Case No. 1976-11.

In the instant case, it is clear there is evidence from which the Local Board could find the Student guilty of possession of alcohol while on school property, and it does not appear that the Local Board violated the Student's rights or abused its discretion. The punishment given to the Student certainly relates to a legitimate purpose of the Local Board, to attempt to insure a drug

and alcohol free educational environment. For the State Board of Education to determine that the punishment given to the Student violates the Student's due process, the State Board of Education would have to determine that there was no rational basis for the punishment or that the punishment was so severe when compared to the offense that it was shocking. Here, such is not the case.

The Student has also raised on appeal a question concerning the extent of the probation period. The Student Evidentiary Hearing Committee placed the Student on probation during the fall quarter of the 1987-1988 school year. The Student then received notice of the Local Board's decision, which stated that the Local Board had voted to uphold the decision of the Student Evidentiary Hearing Committee. The letter then proceeded to outline the discipline and said the Student was placed on probation "through the 1987-88 school year." Since the Local Board upheld the decision of the Student Evidentiary Hearing Committee, and the Committee imposed probation for only the fall quarter, then to the extent the administrative notice can be read differently, it must be deemed an administrative error, and the probation period as only for the fall quarter of the 1987-1988 school year.

#### **PART IV**

#### **RECOMMENDTION**

Based upon the foregoing discussion, the record presented, and the briefs submitted, the Hearing Officer is of the opinion there was evidence to support the decision of the Local Board and the Local Board did not violate the Student's rights or abuse its discretion. The Hearing Officer, therefore, recommends the decision of the Local Board be

SUSTAINED.

L. O. BUCKLANO  
Hearing Officer