

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ANTHONY W.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1989-12
V.	:	
	:	DECISION
WASHINGTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Anthony W. (“Appellant”) from a decision by the Washington County Board of Education (“Local Board”) to expel him for the remainder of the school year for possessing and transmitting Valium tablets. The decision of the Local Board is sustained.

On March 15, 1989, Appellant and his parents were notified that the Local Board would conduct a hearing on March 23, 1989, to inquire into charges that Appellant had given Valium tablets to three other students in his school. Appellant was also given notice that he had the right to be represented by an attorney, and that the penalty that could be administered was expulsion for the remainder of the school year.

The Local Board has a rule that provides that a student

shall not possess, sell, use, transmit or be under the influence of any narcotic drug, hallucinogen, amphetamine, barbituate, marijuana, alcoholic beverage or intoxicant of any kind.

During the hearing, three students testified that Appellant had given them Valium tablets on March 10, 1989. Two of the students were taken to a hospital after they had ingested the tablets. Two other students testified that a small brown plastic container fell from Appellant’s coat pocket during one of their classes. Appellant denied that he had given any pills to any other students. The Local Board, however, found that Appellant had possessed and distributed the

Valium tablets in school, and voted to expel Appellant for the remainder of the school year.

Appellant maintains on appeal that the Local Board's decision was erroneous and contrary to law because there was no evidence found that Appellant had any pills in his possession. The State Board of Education, however, is bound to follow the rule that if there is any evidence to support the decision of the local board, then the decision will be upheld on appeal. See, Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11. In the instant case, the Local Board heard the testimony of three witnesses that Appellant had given them Valium tablets. The testimony, even though it was not corroborated by any physical evidence, is sufficient to sustain the decision of the Local Board.

The State Board of Education is of the opinion that there was some evidence to support the decision of the Local Board. The Local Board's decision, therefore, is

SUSTAINED.

This 13th day of July, 1989.

John M. Taylor
Vice Chairman For Appeals