

STATE BOARD OF EDUCATION

STATE OF GEORGIA

AARON J.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1989-35
V.	:	
	:	DECISION
PIKE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Aaron J. (“Appellant”) from a decision by the Pike County Board of Education (“Local Board”) to expel him for the remainder of the 1989-1990 school year because he brought an alcoholic beverage on the school campus. Appellant complains that the decision of the Local Board was too harsh. The Local Board’s decision is sustained.

On November 6, 1989, Appellant took some whiskey to school in a cough medicine bottle. Appellant let several other students sip from the bottle during the day.

The principal became aware of the incident and he, with the assistant principal, investigated. When confronted, Appellant admitted that he had brought the whiskey to school. Appellant was charged with violating the Local Board’s policy that prohibited any student from knowingly possessing, using, transmitting, or being under the influence of alcohol before, during, or after school on school property. A hearing was conducted on November 13, 1989, before the Local Board.

At the hearing, Appellant admitted he had brought the alcohol to school. Both the principal and assistant principal testified about the conduct of their investigation. At the conclusion of the hearing, the Local Board voted to expel Appellant for the remainder of the

1989-1990 school year, with probation for the 1990-1991 school year. Additionally, the Local Board decided that Appellant had to turn in a 5,000 word them on alcohol abuse before he would be re-admitted. Appellant appealed the decision of the Local Board on the grounds the punishment was too harsh.

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 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11. In this case, the Local Board's rule prohibits the possession of alcohol on school premises. The rules also provides that an infraction will result in expulsion for the remainder of the school term.

The rule adopted by the Local Board is within its authority and responsibility to insure the well-being of all students. There was no showing that the rule is arbitrary and capricious. The State Board of Education, therefore, is required to uphold the decision of the Local Board. The Local Board's decision, therefore, is

SUSTAINED.

This 8th day of February, 1990.

Mr. Owens and Mr. Blanchard were not present.

Larry M. Foster, Sr.
Vice Chairman For Appeals