

STATE BOARD OF EDUCATION

STATE OF GEORGIA

MICHELLE K., :
 :
 :
 Appellant, :
 : **CASE NO. 1990-17**
 V. :
 : **DECISION**
 :
 GWINNETT COUNTY: :
 BOARD OF EDUCATION, :
 :
 :
 Appellee. :

Michelle K. (“Student”) appeals the decision of the Gwinnett County Board of Education (“Local Board”) to expel her until the second semester of the 1990-1991 school year because she violated the Local Board’s policy against drugs. The Local Board’s decision is sustained.

On March 29, 1990, the Student, a ninth grader, sought out another student and purchased a hallucinogenic drug which she ingested before getting on the bus to go home at the end of the school day. She convulsed at approximately 5:15 p.m. that afternoon and her parents rushed her to a hospital. The Student’s parents reported the incident to the school officials. The School officials investigated and determined that several other students purchased drugs on March 29, 1990. A student disciplinary tribunal convened on April 19, 1990. The Disciplinary Tribunal decided to expel the students until the beginning of the second semester of the 1990-1991 school year. The Student appealed to the Local Board and on April 30, 1990, the Local Board voted to uphold the decision of the Disciplinary Tribunal. The Student then appealed to the State Board of Education and asked for an expedited review.

The Student’s parents waived the preparation of a transcript of the proceedings in order to obtain an expedited review by the State Board of Education. On appeal, the Student complains that the punishment imposed by the Local Board was too harsh because it is the same as the

punishment imposed upon the other students, and she could have avoided all punishment if her parents had not reported the incident to the school officials.

The control and management of the local schools has been left with the local boards of education, and the State Board of Education will not review the nature of the punishment imposed by a local board of education if the punishment imposed is authorized by statute or not prohibited by law. See, Bracely v. Burke Cnty. Bd. of Educ., Case No. 1978-7. 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. The General Assembly has authorized expulsion or long-term suspension as a form of discipline.

O.C.G.A. § 20-2-755.

Based upon the foregoing, the State Board of Education is of the opinion the Local Board acted within its authority and no basis has been shown for reversal. The decision of the Local Board, therefore, is
SUSTAINED.

This 14th day of June, 1990.

Larry A. Foster, Jr.
Vice Chairman for Appeals