

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>RODERICK J.,</b>	:	
	:	
<b>APPELLANT,</b>	:	
	:	<b>CASE NO. 1991-14</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>HART COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>APPELLEE.</b>	:	

**PART I**

**SUMMARY**

This is an appeal by Roderick J. (“Student”) from a decision by the Hart County Board of Education (“Local Board”) to uphold the recommendation of the Superintendent to suspend him for the remainder of the 1990-1991 school year because he had illegal drugs on school property. The Student claims that the decision is too severe because he had no knowledge of the illegal drugs and no intent to possess them. The appeal is dismissed because the issues raised on appeal are moot.

**PART II**

**FACTUAL BACKGROUND**

On March 5, 1991, a teacher learned that the Student and two of his classmates had illegal substances on the school premises. The teacher notified the principal when he observed the Student and several of his classmates passing a ring box among themselves during second period.

The principal went to the Student's third period class and asked the Student to come outside with his book bag. The Student rose, reached into his book bag, and then made an exchange with a student seated close to him. The principal then called both the Student and his classmate into the hall. The principal opened the ring box and found a ring inside. On the bottom of the ring box, the principal found a small bag that contained a white powdered substance.

The Student was taken to the principal's office where the principal called the Student's parents and the police. The Student was taken to the police station and advised of his rights. The Student wrote a statement that he had brought the ring box to school. During second period, another student asked to see it. The Student then stated that he gave the ring box to this classmate. The Student saw his classmate take out a bag of pills and begin unwrapping them. After several students passed the box among themselves, the Student put it back into his book bag without looking inside the ring box.

On March 12, 1991, the Student's parents received written notice that the Student had violated section three of the Local Board's Student Behavior Code, which prohibits possession of all illegal drugs and alcohol on school property. The letter also informed them that the Local Board would conduct a hearing to act on the superintendent's recommendation to suspend the Student.

The Local Board held a hearing on March 18, 1991. During the hearing, the Student testified that he did not know how the white powdered substance had gotten inside the ring box. Despite the Student's alleged lack of knowledge, the Local Board decided to sustain the superintendent's recommendation to suspend the Student for the remainder of the 1990-1991 school year. This appeal then followed.

**PART III**  
**DISCUSSION**

On appeal, the Student maintains that the punishment is too severe under the circumstances. Specifically, the Student contends that he had no knowledge of the ring box's contents and, therefore, no intent to possess an illegal substance. The Student also argues that he has had no prior discipline record and he is too young to know what the other students were doing with the ring box.

The issues raised in the instant case are moot because the suspension period has passed and Appellant can return to school in the fall of 1991. The State Board of Education, therefore, cannot provide any relief. *See Powell v. Fitzgerald County Board of Education*, Case No. 1990-19 (St. Bd. of Ed., Sep. 13, 1990). The school year for the Student ended on May 31, 1991.

Even if the issues were not moot, the record contains evidence to support the Local Board's decision. Section three of the Student Behavior Code specifically prohibits possession of all illegal drugs and alcohol. The Student argues that he had no knowledge that the illegal substance was in the box. The Local Board, however, was free to reject this claim. The principal found the ring box with the bag containing the white powdered substance in the Student's possession.

The Student also claims that no evidence exists that the white powdered substance was in fact an illegal drug. The Student Behavior Code also prohibits possession of any substances represented to be illegal drugs. The Student admitted in his statement to the police that his classmates had told him that the white pills were steroids and that one of his classmates often sold drugs. The Student knew that the substances were represented to be illegal drugs. 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 (St. Bd. Of Ed., 1976). We, therefore, conclude that there was evidence to support the Local Board's decision.

#### **PART IV**

#### **DECISION**

Based upon the foregoing, the State Board of Education is of the opinion that the punishment was not too severe under the circumstances and there was some evidence to support the Local Board's decision. Nevertheless, the issues raised are moot and the State Board of Education will not exercise jurisdiction over this matter. The appeal, therefore, is hereby

DISMISSED.

This 8<sup>th</sup> day of August, 1991.

Mr. Abrams and Dr. King were not present.

Larry A. Foster  
Vice Chairman for Appeals