

STATE BOARD OF EDUCATION

STATE OF GEORGIA

BRIAN J.,	:	
	:	
	:	
Appellant,	:	
	:	CASE NO. 1995-21
vs.	:	
	:	DECISION
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Brian J. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to suspend him for six weeks after finding that he had purchased and sold drugs on school grounds. The Student claims that the punishment is too harsh. The appeal is dismissed because the issues raised are moot since the Student was able to return to school on April 24, 1995, and there is no relief that the State Board of Education can provide.

The Student, an eighth grader, began experimenting with drugs in December, 1994. When the Student's grades began to fall, one of his teachers talked with the Student's parents and the possibility of drug usage was raised. The Student's parents asked him about the drug usage and he readily admitted that he had been experimenting. The Student cooperated fully and gave the names of other students who were involved. As a result, the school system became aware of a drug problem in the school that they did not know existed.

The Student was charged with drug possession and drug sales on school grounds. A hearing was conducted before a Student Disciplinary Tribunal on March 1, 1995. The Tribunal decided to suspend the Student for six weeks, during which he was given the opportunity to keep up with his schoolwork and maintain his grades. He was also given the opportunity to attend an alternative school. The Student appealed, but on March 8, 1995, the Local Board upheld the Tribunal's decision. The Student then appealed to the State Board of Education.

The Student's suspension ended on April 24, 1995. During his period of suspension, he was able to complete his schoolwork at home and was able to maintain his grades. The State Board of Education, therefore, cannot provide the Student with any relief. Since the issues raised by the Student are moot, the appeal must be dismissed. See, Roderick J. v. Hart Cnty. Bd. of Educ., Case No. 1991-14 (Ga. SBE, Aug. 8, 1991); Keino R. v. DeKalb Cnty. Bd. of Educ., Case No. 1991-23 (Ga. SBE, Nov. 14, 1991)

Even on the merits, the Local Board's decision cannot be reversed. The Student's parents claim that it is wrong to punish the Student because he was truthful and instrumental in breaking up a festering drug problem within his school. The Student's parents claim that the Local Board is sending the wrong message to students who are truthful. "A local board of education ... is

charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. See, Boney v. County Board of Education of Telfair County, 203 Ga. 152 (1947); Braceley v. Burke County Bd. of Ed., Case No. 1978-7.” Joseph M. v. Jasper Cnty. Bd. of Educ., Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). As a consequence, if local boards of education act within the bounds of the law, the State Board of Education cannot substitute its judgment for the local board’s judgment. In this case, the Local Board acted within its discretionary authority, ~, O.C.G.A. § 20-2-755, and its decision must stand.

Based upon the foregoing, it is the opinion of the State Board of Education that the issues raised by the Student are moot and the appeal, therefore, is hereby

DISMISSED.

This 8th day of June, 1995.

Robert M. Brinson
Vice Chairman for Appeals