

STATE BOARD OF EDUCATION

STATE OF GEORGIA

BERNARD M.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1996-21
vs.	:	
	:	DECISION
BARROW COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Bernard M. (Student) from a decision by the Barrow County Board of Education (Local Board) to expel him through the 1996-1997 school year after he was found guilty of possessing marijuana on school property with the intent to distribute. The sixteen year old tenth grader was found with three bags of marijuana in his bookbag while on school property. The Local Board's decision followed a decision by a Student Disciplinary Tribunal to permanently expel the Student. The Student claims that the Local Board's decision is too harsh. The Local Board's decision is sustained.

"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. 198 1-40 (Ga. SBE, Feb. 11, 1982). In the instant case, the Student claims the Local Board's decision was arbitrary and capricious because it failed to consider a lesser degree of punishment. The record, however, shows that a lesser degree of punishment was considered because the Local Board reduced the punishment from permanent expulsion to expulsion through the 1996-1997 school year. While the State Board of Education is bound by the Local Board's decision, the State Board of Education, nevertheless, encourages the Local Board to consider admitting the Student to an alternative school during the 1996-1997 school year.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision was not arbitrary or capricious and was within its authority. The Local Board's decision, therefore, is
SUSTAINED.

This 11th day of July, 1996.

Mr. Brinson, Mr. Sessoms, Mr. McGlamery, and Mr. Floyd were not present. The seat for the eleventh District is vacant.

J. T. Williams, Jr., Chairman
State Board of Education