

STATE BOARD OF EDUCATION

STATE OF GEORGIA

R. C.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-06
	:	
THOMAS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by R. C. (Student) from a decision by the Thomas County Board of Education (Local Board) to assign him to an alternative school for the remainder of the 1999-2000 school year after finding him guilty of possessing marijuana on school property. The Student claims that the Local Board denied him due process because it did not inform him that he could be removed from regular school for possessing marijuana, the Local Board's decision unconstitutionally denies him an education, and the punishment was excessive. The Local Board's decision is sustained.

On December 10, 1999, an assistant principal discovered that the Student, a ninth grader, had a bag of marijuana in his possession. The Student was charged with violating the Local Board's policy JCDA-R, conduct subversive to good order. On January 6, 2000, the Local Board found the Student guilty and assigned him to an alternative school for the remainder of the 1999-2000 school year. The Student then filed a timely appeal to the State Board of Education.

The Student's claims on appeal are based on the assumption that the Student was expelled from school rather than being assigned to an alternative school. The Student claims that the Local Board violated his due process rights by not informing him that he could be expelled for possessing marijuana, that the Local Board unconstitutionally deprived him of a public education by expelling him, and expulsion was disproportionate to the offense committed. Since the basis for the Student's arguments is incorrect, his claims must fail.

While the State Board of Education deems assignment to an alternative school to be a form of punishment, it does not constitute expulsion from school. Instead, it is a reassignment to another school to remove a disruptive student from the general student population. O.C.G.A. § 20-2-768(c) provides:

It is the policy of this state that it is preferable to reassign disruptive students to isolated and individually oriented in-school suspension programs or alternative educational settings rather than to suspend or expel such students from school.

In the instant case, the Student was assigned to an alternative educational setting rather than being expelled. The Local Board has not deprived the Student of a public education, and reassignment to an alternative school is not disproportionate to the offense of possessing drugs at school.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not deny the Student due process, or deny him an education, and the decision to assign the Student to an alternative school was reasonable for the offense of possessing drugs on campus. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of June 2000.

Bruce Jackson
Vice Chairman for Appeals