

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>B. J. D.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2000-23</b>
	:	
<b>WALKER COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by B. J. D. (Student) from a decision by the Walker County Board of Education (Local Board) to suspend him from regular school and assign him to an alternative school for one semester. The Local Board's decision followed the school system's appeal from a student disciplinary tribunal's decision to place the Student on probation during middle school, with a referral to a student support team for assistance with behavior and organization skills, after finding him guilty of ingesting a prescribed medication that he obtained from another student. The Student claims that (1) the school system improperly informed him about the principal's appeal so he did not have sufficient time to respond, (2) the punishment was too harsh, and (3) his punishment was substantially different from the punishment the other student received. The Local Board's decision is reversed.

"A local board of education cannot impose a more severe punishment in the absence of an explanation for the harsher punishment." *Chauncey Z. v. Cobb Cnty. Bd. of Educ.*, Case No. 1992-42 (Ga. SBE, Mar. 11, 1993). In the instant case, the Local Board did not provide any reason why it imposed a harsher penalty upon the Student than the tribunal imposed. Imposing a harsher penalty without stating any reason results in a denial of due process. *See, Georgia Real Estate Commission et al. v. Hooks*, 141 Ga. App. 226, 233 S.E.2d 16 (1977).

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board denied the Student due process by imposing a harsher punishment than the student disciplinary tribunal imposed without giving any reason. The Local Board's decision, therefore, is hereby REVERSED.

This \_\_\_\_\_ day of August 2000.

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Bruce Jackson  
Vice Chairman for Appeals