

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M. S.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2002-25
	:	
CLARKE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by M. S. (Student) from a decision by the Clarke County Board of Education (Local Board) to suspend him for 45 days because he brought marijuana to school and sold it to another student. The Student claims he was denied due process because he was coerced into confessing and was not given a *Miranda* warning before he confessed to the principal that he sold drugs to another student. The Local Board's decision is sustained.

On September 7, 2001, the Student, an eighth grader, brought some marijuana to school and sold it to another student for \$70.00. The marijuana was later found on the female student who purchased the drug. The female student said she had bought the drugs from the Student for \$70.00. When the principal confronted him the Student admitted that he sold marijuana to another student. The Student was charged with selling drugs on campus.

A hearing on the charge was held before a student disciplinary hearing officer. At the end of the hearing, the hearing officer suspended the Student for 45 days. The Student appealed to the Local Board, where a de novo hearing was held. The Local Board also decided to suspend the Student for 45 days. The Student then appealed to the State Board of Education.

On appeal to the State Board of Education, the Student claims that his admission was coerced because his parents were not notified before he gave a statement and because the principal enlisted the aid of a teacher the Student trusted to obtain a confession from him. In addition, he was not given a *Miranda* warning before he made the statement. The Student claims that the Local Board would not have found him guilty without his confession.

The record does not support the Student's claim that he was coerced into giving a statement. The Student argues that the use of a trusted teacher to assist in the questioning resulted in a form of coercion. There is, however no evidence that the teacher's presence

intimidated the Student or otherwise caused the Student to do anything against his will. Additionally, even if the Student's statement is not considered, there was other evidence that the Student sold the 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, 242 S.E.2d 374 (1978); *Antone v. Greene County Bd. of Educ.*, Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." *Roderick J. v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). The State Board of Education concludes that the Student's statement was not coerced.

The Student also claims he was denied due process because he was not given a *Miranda* warning before he was questioned. Notwithstanding the Student's argument, due process does not require school officials to give students a *Miranda* warning before questioning them. A *Miranda* warning only has to be given in a criminal proceeding. Regardless of the further consequences a student's actions may have, the proceeding by school officials is administrative and not criminal. Thus, the failure to give a *Miranda* warning is inconsequential and does not result in a denial of due process.

Based upon the foregoing, it is the opinion of the State Board of Education that the Student was not denied due process and the Local Board acted within its authority. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of April, 2002.

Bruce Jackson
Vice Chairman for Appeals