

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M.M.,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 2008-62
	:	
EMANUEL COUNTY BOARD	:	DECISION
OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by M.M. ("Student") from a decision by the Emanuel County Board of Education ("Local Board") to suspend the Student from school until January of 2009, with the option to enroll in the District's alternative school. Specifically, the Local Board found the Student guilty of the possession of marijuana.

The Local Board contends that the Student did not timely file his appeal to the State Board. O.C.G.A. § 20-2-1160(b) requires that an appeal to the State Board be filed within 30 days after the decision of the Local Board. The Local Board rendered its decision on April 1, 2008. The Student's appeal was filed on May 2, 2008, 31 days after the decision. Therefore, the Student failed to timely file this appeal.

Moreover, even assuming this appeal was proper, the State Board is required to affirm the decision of the Local Board if there is any evidence to support the decision of the Local Board, unless there is abuse of discretion or the decision is arbitrary and capricious as to be illegal. See Ransum v. Chattooga County Bd. of Educ., 144 Ga. App. 783 (1978); Antone v. Greene County Bd. of Educ., Case No. 1976-11 (Ga. SBE, Sep. 8, 1976). In this case, the record contains admissible evidence showing that the Student admitted to the possession of marijuana while at school. On appeal, the Student does not dispute this evidence but contends that the discipline is too harsh. "The State Board of Education . . . cannot adjust the level or degree of discipline imposed by a local board of education." B.K. v. Bartow County Bd. of Educ., Case No. 1998-33 (Ga. SBE, Sep. 10, 1998).

Based upon the reasons set forth above, it is the opinion of the State Board of Education that the evidence supports the decision of the Local Board, and it is therefore **SUSTAINED**.

This _____ day of August 2008.

William Bradley Bryant
Vice Chairman for Appeals