

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

H.R.,	:	
	:	
Appellant,	:	
	:	
v.	:	CASE NO. 2012-04
	:	
SAVANNAH-CHATHAM COUNTY	:	DECISION
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by H.R. (“Student”) from a decision by the Savannah-Chatham County Board of Education (“Local Board”) finding that the Student violated its rules regarding the solicitation and possession of drugs on school premises. For the reasons set forth below, this appeal is **SUSTAINED**.

I. BACKGROUND

The Student attends Windsor Forest High School. The Student was charged with the solicitation of Xanax and possession of marijuana while on school premises. The Student appealed the charges and was provided a hearing. At the hearing, the Student admitted that he was in possession of marijuana while at school. The Local Board offered evidence that the Student was seeking to solicit the sale of Xanax.

After hearing all the evidence, the hearing officer found that the Student violated the Local Board’s rules regarding the solicitation and possession of drugs. The Superintendent recommended expelling the Student. The hearing officer placed the Student on long-term suspension. The Local Board reversed the hearing officer and expelled the Student.

II. ERROR ASSERTED ON APPEAL

A. Record Evidence.

On appeal the Student has submitted information and records beyond the record before the Local Board. The Local Board has objected to the additional information and records on the grounds that the appeal to this Board is limited to the matters and record before the Local Board. This Board is limited to the record before the Local Board, and therefore, cannot consider the additional records. See O.C.G.A. § 20-2-1160(e). Therefore, this Board cannot consider the matters not at issue before the Local Board.

Furthermore, this Board is required to affirm the decision of the Local Board if there is any evidence to support the decision, 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. 1976). “[T]he State Board of Education will not disturb the finding [of the Local Board] unless there is a complete absence of evidence.” F.W. v. DeKalb County Bd. of Educ., Case No. 1998-25 (Ga. SBE, Aug. 1998).

In this case the Student does not challenge the factual findings of the Local Board. Furthermore, the record shows that the Student possessed marijuana while on school premises. The record further shows that the Student engaged in soliciting the sale of Xanax. Thus, the record supports the decision of the Local Board.

B. Level of Punishment.

On appeal, the Student appears to challenge the Local Board’s decision to expel him and place him in an alternative school. The record shows that the hearing officer imposed long-term suspension as the punishment, which the Local Board increased to an expulsion. “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. 1998). Thus, this Board cannot alter the Student’s discipline.

III. CONCLUSION

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 12th day of October 2011.

MARY SUE MURRAY
VICE CHAIR FOR APPEALS