

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ANDRE J.,	:	
	:	
Appellant,	:	CASE NO. 1987-28
	:	
v.	:	
	:	
CHATHAM COUNTY BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

PART I

SUMMARY

This is an appeal by Andre J. (hereinafter “Student”) from a decision of the Chatham County Board of Education (hereinafter “Local Board”) to affirm the decision of its Student Hearing Board to expel the Student. The Student was expelled for selling ampicillin to other students on campus.

PART II

FACTUAL BACKGROUND

The principal of the school the Student attended suspended the Student for ten days and recommended the Student be expelled for selling drugs on campus. A hearing was held at which the Student admitted that he offered to sell to two students two substances which he claimed were marijuana and cocaine. He further admitted that he did in fact sell the substances which were later identified as regular grass and a drug called ampicillin. A hearing panel recommended the Student be expelled.

The Student appealed to the Local Board and asked that the Local Board consider the fact that he was now~ in a drug and alcohol rehabilitation program. The Local Board met and considered the request or appeal, and upheld the decision of the hearing panel. The Student’s parent appealed to the State Board of Education because the Student is now

in the drug and alcohol rehabilitation program and because it is harder for the Student's parent to work with the Student when he is not in school.

PART III

DISCUSSION

The State Board of Education is authorized to hear appeals from decisions made by local boards on matters of local controversy involving the construction or administration of the school laws. O.C.G.A. 120-20-1160. The State Board of Education is not authorized to substitute its judgment for that of the local board, and must sustain the decision of the local board if there is any evidence to support the local board's decision, absent an abuse of discretion or violation of law by the local board. See, *Ransum v. Chattooga Cnty. Bd. of Ed.*, 144 Ga. App. 783 (1978); *Antone v. Greene Cnty. Bd. of Ed.*, Case No. 1976-11.

The Student's parents have not provided any legal basis upon which the State Board of Education could base a reversal of the decision of the Local Board. There is ample evidence, in the form off the Student's own testimony, that the Student violated a reasonable rule of the Local Board, and that the Local Board was justified in expelling the Student.

PART IV

DECISION

Based upon the foregoing discussion, the record and the brief submitted by counsel for the Local Board, the State Board of Education concludes that there was evidence to support the decision of the Local Board and the discipline Imposed by the Local Board was within its authority. The decision of the Local Board is, therefore,

SUSTAINED.

Mrs. Baranco was not present.

John Taylor
Acting Vice Chairman for Appeals