

STATE BOARD OF EDUCATION

STATE OF GEORGIA

CHARLES R.,	:	
	:	
Appellant,	:	
	:	CASE NO.1995-44
vs.	:	
	:	DECISION
FULTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Charles R. (Student) from a decision by the Fulton County Board of Education (Local Board) to uphold the decision of a Disciplinary Tribunal that expelled the Student during the *1995-1996* school year after finding that the Student had sold an illegal drug at school. The Student claims that the Local Board denied him due process because it failed to make findings of fact or to explain its decision. Additionally, the Student claims that the Disciplinary Tribunal exceeded its authority in deciding to expel him from all schools in the Fulton County School System. The Local Board's decision is sustained.

On May 3, 1995, the Student sold some drugs to another student on school grounds. He admitted to violating the Local Board's Disciplinary Rule 9, which prohibits the possession or sale of any hallucinogen on school grounds. On May 15, 1995, a Disciplinary Tribunal received the Student's admission and decided to expel the Student from all units of the Fulton County School System during the 1995-1996 school year. On July 13, 1995, the Local Board affirmed the Tribunal's decision without making any findings of fact. The Student then filed a timely appeal with the State Board of Education.

The Student argues that the Tribunal exceeded its authority in denying him admittance to any school in the Fulton County School System because O.C.G.A. § 20-2-75 1 defines expulsion as:

(1) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.

O.C.G.A. § 20-2-751(1). The Student argues that the words "a public school" limits the authority of the Disciplinary Tribunal to expelling a student from a single school facility rather than from all of the schools within a school system. The Local Board argues that the Student's

reading of the statute would result in a denial of equal protection because students in a single-school system could be expelled while students in a multi-school system could not be expelled.

The Student argues that there is no denial of equal protection because the statutory scheme is that a disciplinary tribunal can either make a decision or make a recommendation. The Student then argues that if the tribunal makes a decision, then the student can only be expelled from the school the student is attending; if it makes a recommendation to the local board, the local board can expel the student from all of the schools within the school system.

We do not accept the Student's argument. The purpose of O.C.G.A. § 20-2-751 is to attribute names to various lengths of times that students are removed from school; it is not to establish geographical limits on removing students from the public education process. The Student's reading of the statute still results in students in single-school systems being subject to removal from the educational process by a disciplinary tribunal while students in a multi-school system are not subject to removal by a disciplinary tribunal. We do not think the Legislature intended to establish two classes of students with differing rights dependent upon whether they attend a single-school system or a multi-school system. Accordingly, we interpret "a school" to mean that a disciplinary tribunal has the authority to decide to remove a student from the educational process completely without regard to the number of schools within a local school system.

The Student also argues that the Local Board denied him due process because it did not make any findings of fact when it upheld the Disciplinary Tribunal's decision. We have previously ruled that local boards of education do not need to make findings of fact in disciplinary proceedings. *See, Wright v. Dodge Cnty. Bd. of Educ.*, Case No. 19784 (Ga. SBE, Apr. 13, 1978). The Student has not provided anything to cause us to change this ruling.

Based upon the foregoing, the State Board of Education is of the opinion that the Disciplinary Tribunal could decide to remove the Student from all units of the Fulton County School System and the Local Board had the authority to uphold that decision without making any findings of fact. Accordingly, the Local Board's decision is SUSTAINED.

This 9th day of November, 1995.

Mr. Brinson, Ms. Keeton, Mr. Sessoms and Mr. Williams were not present. The seat for the Tenth District is vacant.

Richard C. Owens, Chairman
State Board of Education

