

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. S.,

vs.

**CLARKE COUNTY
BOARD OF EDUCATION,**

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CASE NO. 1999-69

DECISION

This is an appeal by J. S. (Student) from a decision by the Clarke County Board of Education (Local Board) to expel him for the remainder of the 1999-2000 school year after he admitted he sold some marijuana to another student. The Student claims he was denied equal protection of the law because his punishment was more severe than the buying student received. The Local Board's decision is sustained.

On September 15, 1999, the Student sold a bag of marijuana to another student while they were on school property. The Local Board's Policy JCDAC/JCDAB prohibits the possession, use, or distribution of illegal drugs. The Local Board's policy treats drug users and drug suppliers differently. Users are subject to 45 days suspension but suppliers are subject to expulsion for the remainder of the school year. In accordance with the Local Board's policy the Student was expelled for the remainder of the 1999-2000 school year and the buying student was suspended for 20 days.

On appeal to the State Board of Education, the Student claims the Local Board's policy denies him equal protection of the law because it permits different treatment for individuals who were involved in the same transaction. The Student's argument puts buyers and sellers into the same category without giving any reason why the Local Board cannot legitimately place drug buyers and drug sellers into different categories. As argued by the Local Board, it views drug sellers as more dangerous to the students than the buyers because sellers can impact more students than a buyer. Buyers and sellers, therefore, are not similarly situated so they can be treated differently without resulting in a denial of equal protection.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision to expel the Student for the remainder of the 1999-2000 school year did not deny the Student equal protection of the law. Accordingly, the Local Board's decision is **SUSTAINED.**

This 29th day of March 2000.

Bruce Jackson
Vice Chairman for Appeals