

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. M.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2001-01
	:	
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by A. M. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him until the end of the 2000-2001 school year after finding him guilty of possessing marijuana and a lighter on school grounds, which also resulted in a violation of his probation. The Student complains that the punishment is too harsh. The Local Board's decision is sustained.

Because of prior conduct, the Student, a 17-year-old tenth grader, was enrolled in the night alternative school. On May 3, 2000, the Student entered the school carrying five bags of marijuana. The school administrators immediately discovered the marijuana when the Student entered the building. At the hearing before the student disciplinary tribunal, the Student did not present any evidence and did not admit nor deny any of the allegations. The tribunal found him guilty of possessing the marijuana and a cigarette lighter and expelled him until the end of the 2000-2001 school year. The Local Board upheld the decision on appeal and the Student appealed to the State Board of Education.

On appeal, the Student claims that the punishment was too harsh and he asks the State Board of Education to adjust the punishment to provide some alternative that will permit him to stay in school. The State Board of Education, however, cannot substitute its judgement for the judgment of the Local Board when it comes to matters of discipline. "A local board of education ... is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. *See, Boney v. County Board of Education for Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947); *Braceley v. Burke County Bd. of Ed.*, Case No. 1978-7." *Joseph M. v. Jasper Cnty. Bd. of Educ.*, Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). Thus, even if the majority of the members of the State Board of Education agreed with the sentiments and arguments made by the Student, the State Board of Education would be unable to provide the Student any relief. Local boards of education have the authority to expel students who violate policies and an expulsion for one year is not unreasonable for possession of marijuana on school grounds. *See, e.g., Bernard M. v. Barrow Cnty. Bd. of Educ.*, Case No. 1996-21 (Ga. SBE, Jul. 11, 1996).

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority and the punishment imposed was not arbitrary or capricious. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of September 2000.

Bruce Jackson
Vice Chairman for Appeals