

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M. L. D.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2001-17
	:	
WALKER COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by M. L. D. (Student) from a decision by the Walker County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to permanently expel her after she pleaded guilty to possessing and using drugs on campus. The Student complains that the punishment is too harsh. The Local Board’s decision is sustained.

The Local Board’s Policy JCDA forbids student possession or use of “any narcotic drug ... or counterfeit substance.” At a September 13, 2000 hearing before a student disciplinary tribunal, the Student, a 13-year old eighth grader, admitted that she was guilty of violating Policy JCDA. The tribunal decided to permanently expel the Student and the Local Board upheld the decision when the Student appealed.

On appeal to the State Board of Education, the Student claims the punishment is too harsh. When the State Board of Education reviews a decision made by a local board of education to determine whether it is too harsh, the State Board of Education will not disturb the local board’s decision if the decision is within the local board’s discretion and there is some evidence to support the decision. In the instant case, the Local Board has the authority to permanently expel the Student because she violated its policy against drugs.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board’s decision to permanently expel the Student was within the Local Board’s authority. The Local Board’s decision, therefore, is **SUSTAINED.**

This _____ day of January 2001.

Bruce Jackson
Vice Chairman for Appeals