

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>C. M.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2001-30</b>
	:	
<b>GWINNETT COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by C. M. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him for one year until September 21, 2001 after finding him guilty of distributing drugs on campus and possessing a knife and a pager on campus. The Student claims there was no evidence to support the charges and that the punishment is too harsh. The Local Board's decision is sustained.

"The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. *See, Ransum v. Chattooga County Bd. of Educ.*, 144 Ga. App. 783, 242 S.E.2d 374 (1978); *Antone v. Greene County Bd. of Educ.*, Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." *Roderick J. v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). The Student admitted in a written statement that he brought LSD to school and gave it to another student to sell for him. The student who received the LSD testified about his receipt from the Student and the fact that he was supposed to pay the Student after he sold the LSD. The school resource officer testified that he found marijuana, drug paraphernalia, a knife, and an electronic paging device on the Student. There was, therefore, evidence to support the Local Board's decision.

The Student also complains that the punishment was too harsh. "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). The Local Board had the authority to permanently expel the Student. O.C.G.A. § 20-2-755. The evidence showed that the Student was acting as a drug dealer on campus. The State Board of Education does not deem the expulsion of a drug dealer for one year to be an abuse of discretion.

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision and the punishment imposed was not too harsh. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of April 2001.

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Bruce Jackson  
Vice Chairman for Appeals