

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>B. B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2001-44</b>
	:	
<b>GWINNETT COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by B. B. (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, with an opportunity to attend an alternative school, after finding him guilty of possessing and selling drugs on campus, possessing tobacco products and lighters on campus, and directing profanity at some teachers. The Student claims that the punishment was too harsh. The Local Board's decision is sustained.

On March 29, 2001, the Student gave another student some non-prescription drugs. The other student ingested the drugs, became sick, and had to be transported to a hospital. The Student was charged with possessing and selling drugs on campus. Additionally, he was charged with swearing at an administrator because he called a teacher a "stupid bitch." Additionally, he was charged with possession of tobacco products because he had some smokeless tobacco on him when he was questioned about the incident. A student disciplinary tribunal expelled the Student for one year after he admitted giving the other student the drugs, possessing the tobacco products, and swearing at his teacher. The Local Board upheld the expulsion after the Student appealed the tribunal's decision. The Student then appealed to the State Board of Education with the claim that the punishment is 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 acted within its authority in expelling the Student for one year.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not abuse its discretion in expelling the Student for one year with the option of attending alternative school during the expulsion period. Accordingly, the Local Board's decision is  
SUSTAINED.

This \_\_\_\_\_ day of September 2001.

---

Bruce Jackson  
Vice Chairman for Appeals