

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. E.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-41
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by C. E. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him from regular school until January 1, 2006, after finding him guilty of having a razor, a lighter, and tobacco products in his vehicle on school property. The Student claims that the search of his vehicle was unreasonable and the results of the search should not have been the basis for any punishment. The suspension period has passed and the State Board cannot provide the Student with any relief, thus making the issues raised and the appeal moot. Accordingly, the appeal is dismissed.

On October 14, 2005, the Student lost consciousness while sitting at his desk after arriving late for class. When he regained consciousness, he was sweaty and pale, his eyes were dilated, and his heart pressure and pulse were elevated. The Student said that he had fallen asleep. School administrators suspected that the Student was under the influence of drugs because of his explanation and his physical symptoms. Two assistant principals searched the Student's vehicle and found a box of matches, a lighter, a container of chewing tobacco, and a box cutter with a razor blade.

Because of his possession of the items found in his vehicle, school administrators charged him with possession of tobacco, a razor blade, and a lighter. A student disciplinary tribunal heard evidence and found the Student guilty of all the charges. The tribunal suspended the Student until January 1, 2006. The Local Board upheld the tribunal's decision and the Student then appealed to the State Board of Education.

The Student claims that the search of his vehicle was unreasonable because there was no basis for thinking that he was under the influence of illegal drugs. The Student claims that the determination that his symptoms indicated drug usage could only be made by a doctor and not by a school employee, thus making any suspicion of drug usage unwarranted and, therefore, unreasonable. Since the search was not based upon a reasonable suspicion, the Student claims that the results of the search should not be the basis for any punishment.

“In Georgia, school officials may search ‘subject only to the most minimal restraints necessary to insure that students are not whimsically stripped of personal privacy and subjected to petty tyranny.’” *Patman v. The State*, 244 Ga. App. 833, 834, 537 S.E.2d 118, 120 (2000). There is no requirement for a medical person to make a diagnosis of possible drug usage to warrant a school administrator’s suspicion of drug usage and search of a student’s vehicle. In the instant case, the facts that 1) the Student was late for class, 2) lost consciousness, 3) said he had fallen asleep, 4) was sweaty and pale, 5) had dilated eyes, and 6) had an elevated blood pressure and heart rate, taken together, were sufficient to establish a reasonable suspicion that the Student ingested an illegal drug before coming to class.

Because the suspension period has passed, the Student’s appeal is moot. The appeal, therefore, is hereby
DISMISSED.

This _____ day of March 2006.

William Bradley Bryant
Vice Chairman for Appeals