

STATE BOARD OF EDUCATION

STATE OF GEORGIA

K. C.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-01
	:	
ATLANTA CITY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by K. C. (Student) from a decision by the Atlanta City Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him from regular school until the end of the 2005-2006 school year and then transfer him to another middle school for the 2006-2007 school year after finding him guilty of possessing marijuana at school. The Student claims that the Local Board exceeded its authority because its own policies do not provide for transfers to other schools as a punishment. The Local Board’s decision is sustained.

On April 18, 2006, school authorities discovered marijuana in the Student’s locker after being alerted by the Student’s parents that there was marijuana in the school. The Student, a seventh grader, was charged with possession of drugs and a hearing was held before a student disciplinary tribunal on May 4, 2006. The tribunal found the Student guilty and suspended him from school until May 25, 2006. Additionally, the tribunal assigned the Student to another middle school for the 2006-2007 school year and placed him on probation until May 26, 2007. The Local Board upheld the tribunal’s decision on appeal and the Student then filed an appeal to the State Board of Education.

The Student claims that the Local Board’s policies do not authorize his transfer to another school because a transfer is not mentioned in any of the Local Board’s policies. The Student claims that the use of a transfer is, therefore, arbitrary and capricious.

The Student has incorrectly characterized his transfer to another school as a disciplinary action. The only disciplinary action in this case was the Student’s short-term suspension until the end of the school year. Following this short-term suspension, which has already ended, the Student was assigned to a regular middle school and, thus, is not being deprived of any educational rights to which he may be entitled. Contrary to the Student’s arguments, a student does not have an inherent right to assignment at any particular school. The Local Board’s policies recognize that students may be assigned to different schools other than their local neighborhood school, e.g., changes in attendance

zones, children of teachers, and mid-year residence changes within the school district. *See*, Atlanta Board of Education Policy Regulation JBCCA-R, (Issued Mar. 25, 2003).

While Regulation JBCCA-R generally addresses student-initiated administrative transfers, the regulation recognizes the inherent authority of the Local Board to change attendance zones, which can result in the assignment of students to different schools than the schools they have been attending. The regulation, therefore, does not establish any right for a student to attend any particular school. The State Board of Education concludes that the Local Board's policies do not prevent the Student's transfer to another regular school.

The Student also claims that the Local Board did not follow its progressive discipline policies. The Local Board's progressive discipline policies, however, do not dictate any particular disciplinary measure that a tribunal can use. The Local Board's Policy JCDA-E provides that the "degree of discipline to be imposed ... will be in proportion to the severity of the inappropriate behavior" The Local Board's policy tracks the regulations of the State Board of Education. *See*, Reg. 160-4-8-.15, Student Discipline (2004). The State Board of Education, therefore, concludes that the Local Board did not fail to follow its progressive discipline policies.

The Student also claims that there was no evidence presented that he possessed marijuana in school. There was, however, substantial direct testimony regarding the discovery of the marijuana in the Student's locker, the Student's confession, and the identification of the marijuana by the school resource officer. The State Board of Education, therefore, concludes that the Student's claim is not supported by the record.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not commit any error in suspending the Student for a short term and assigning him to another regular school for one year. Accordingly, the Local Board's decision is
SUSTAINED.

William Bradley Bryant
Vice Chairman for Appeals