

STATE BOARD OF EDUCATION

STATE OF GEORGIA

H. A.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-07
	:	
ATLANTA CITY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by H. A. (Student) from a decision by the Atlanta City Board of Education (Local Board) to suspend him from school for 20 days and to then transfer him to another school for the 2006-2007 school year after finding him guilty of possessing marijuana at school. The Student claims that the punishment is too harsh because the new school is a failing school. The Local Board's decision is sustained.

On April 18, 2006, the Student, a seventh grader, was identified as a student who had possessed drugs at school. School officials called the Student's parents, who conducted a search of the Student's room where they found some marijuana. The Student's parents informed the school officials about the discovery of the marijuana. When questioned by school officials, the Student admitted that he had had marijuana at school. The Student was charged with drug possession and a hearing was held before a student disciplinary tribunal.

The student disciplinary tribunal found the Student guilty of drug possession and, after reviewing his disciplinary record, which showed that he had never been involved in anything before, decided to suspend him until the end of the semester and to then transfer him to another middle school for the 2006-2007 school year. The Student appealed to the Local Board and, when the Local Board upheld the tribunal's decision, the Student filed an appeal to the State Board of Education.

On appeal, the Student claims that the punishment is too harsh because he has never been involved in a disciplinary incident before, he fully cooperated with the school officials, and the new school is a failing school. "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 State Board of Education cannot adjust the level or degree of discipline imposed by a

local board of education. *B. K. v. Bartow Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998).

The Student also claims that he was prevented at the hearing from presenting a psychological evaluation report that indicated he would be harmed by being transferred to another school. The record, however, shows that there was no effort to introduce the report during the hearing. Instead, there was only a mention made that the Student was undergoing a psychological examination. The Student's claim, therefore, is without merit.

Based upon the foregoing, it is the opinion of the State Board of Education that the Student has not shown any error on the part of the Local Board or the conduct of the tribunal hearing. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of October 2006.

Wanda T. Barrs
Chair, State Board of Education

SUMMARY

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