

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>N. C.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2007-52</b>
	:	
<b>HENRY COUNTY</b>	:	<b>DECISION</b>
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by N. C. (Student) from a decision by the Henry County Board of Education to uphold the decision of a student disciplinary tribunal to expel him from regular school until the end of the first semester of the 2007-2008 school year, with the option of attending an alternative school during his period of expulsion, after finding him guilty of possessing and distributing illegal drugs on campus. The Student claims that the evidence does not support the decision. The Local Board's decision is sustained.

In January 2007, the Student sold some marijuana to another student while they were in class. The transaction was witnessed by another student. The Student was charged with possessing and selling drugs at school.

At a hearing before a student disciplinary tribunal, the student witness and the student who purchased the drugs testified that the transaction occurred and that the Student supplied the drugs. The tribunal found the Student guilty and expelled him from regular school until the end of the first semester of the 2007-2008 school year, with the option of attending an alternative school during his expulsion period. The Local Board upheld the tribunal's decision when the Student appealed. The Student then appealed to the State Board of Education.

On appeal, the Student claims that the evidence does not support the charges. The Student claims that the testimony of the witnesses was inconsistent and false. Contrary to the Student's claim, however, there was evidence that he engaged in the transaction. "The tribunal sits as the trier of fact and, if there is conflicting evidence, must decide which version to accept. When that judgment has been made, the State Board of Education will not disturb the finding unless there is a complete absence of evidence." *F. W. v. DeKalb Cnty. Bd. of Educ.*, Case No. 1998-25 (Ga. SBE, Aug. 13, 1998). It was the job of the tribunal to weigh the inconsistencies, if any, and determine what happened.

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. Accordingly, the Local Board's decision is  
SUSTAINED.

This \_\_\_\_\_ day of July 2008.

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William Bradley Bryant  
Vice Chairman for Appeals