

STATE BOARD OF EDUCATION

STATE OF GEORGIA

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| R. D., | : | |
| | : | |
| Appellant, | : | |
| | : | |
| vs. | : | CASE NO. 2008-05 |
| | : | |
| NEWTON COUNTY | : | |
| BOARD OF EDUCATION, | : | |
| | : | DECISION |
| Appellee. | : | |

This is an appeal by R. D. (Student) from a decision by the Newton County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him until the end of the first semester of the 2007-2008 school year after finding him guilty of possessing marijuana on campus and having his cell phone on during school hours. The Student claims that the punishment was too harsh. The Local Board's decision is sustained.

On May 24, 2007, a residue amount of marijuana was found in the Student's automobile after school authorities received a tip from another school that the Student had sold marijuana to a student in the other school. A resource officer tested the residue and it tested positive as marijuana. The Student also had a cell phone in his pocket that was turned on and showed that he had called the student from the other school who reported that the Student had sold marijuana. The Student was charged with possessing marijuana and having a cell phone turned on during school hours.

The Student claims that his expulsion until the end of the first semester of the 2007-2008 school year is too harsh in light of the circumstances. The State Board of Education, however, 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 Local Board's rule regarding the possession of marijuana provides for expulsion for up to one calendar year. Violation of the rule is not predicated on the amount of marijuana a student possesses. The Local Board's decision, therefore, was within its authority.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not exceed its authority and its decision was not arbitrary or capricious. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of October 2007.

Wanda T. Barrs
Chair, State Board of Education