

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. E. G., :
:
Appellant, :
:
vs. : : **CASE NO. 2001-28**
:
COLUMBIA COUNTY :
BOARD OF EDUCATION, :
:
Appellee. : **DECISION**

This is an appeal by C. E. G. (Student) from a decision by the Columbia County Board of Education (Local Board) to uphold the decision of a disciplinary hearing officer to expel him until the end of the second semester of the 2000-2001 school year after finding him guilty of bringing a knife on campus. The Student claims that the search of his vehicle where the knife was found was improper and that he was improperly expelled from school beyond the end of the first semester of the 2000-2001 school year. The Local Board's decision is sustained.

On November 16, 2000, the police conducted a random drug search at the Student's high school. During the search, the Student was named as a user of marijuana by some of the students found to have drugs in their vehicles. Based upon this information, the police searched the Student's vehicle and found a hunting knife in the vehicle's console. The Student's father placed the hunting knife in the console the previous Saturday while on a hunting trip.

On appeal to the State Board of Education, the Student claims that the school system violated its policy regarding vehicle searches because there was no reasonable suspicion that he had drugs in his vehicle. The school system's policy provides, in part:

... when there is reasonable suspicion, a student's ...
automobile parked on school property may be searched by
school officials.

HIGH SCHOOL CODE OF CONDUCT, *General Policies*, ¶ 3 (Columbia County Schools). The Student claims that the statement of another student that he had previously smoked marijuana did not provide reasonable suspicion that he had any drugs on November 16, 2000.

"It has been held that a tip from an informant of unknown reliability is generally insufficient to create a reasonable suspicion of criminal activity, but that the tip may

provide the basis for a reasonable suspicion if the tip provides details that the police can corroborate by observation.” *Fox v. State*, 272 Ga. 163, 167, 527 S.E.2d 847 (2000). However, “[b]ecause valid consent to search the interior of [the Student’s] car existed, the need for either probable cause or a search warrant was eliminated.” *Thomason v. State*, 268 Ga. 298, 302, 486 S.E.2d (1997). In the instant case, the Student gave permission to search his vehicle and there is no indication that the Student’s permission was coerced or otherwise not freely given. The State Board of Education, therefore, concludes that the search of the Student’s vehicle was not improper.

The Student also claims that he was improperly expelled beyond the end of the first semester. The principal recommended long term suspension for the Student. “Long term suspension” is defined as “the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.” O.C.G.A. § 20-2-751(2). The Columbia County High School Code of Conduct provides for long-term suspension or expulsion for up to one year for bringing a weapon on campus.

The Student claims that since the school recommended long-term suspension, the hearing officer did not have the authority to expel him beyond the end of the semester. Since, however, the Local Board’s policies provide for expulsion, the hearing officer acted within his authority in expelling the Student until the end of the 2000-2001 school year, regardless of what the school officials recommended.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board’s decision was not based upon an improper search and there was no abuse of discretion. Accordingly, the Local Board’s decision is
SUSTAINED.

This _____ day of April 2001.

Bruce Jackson
Vice Chairman for Appeals