

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

W.R.P.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1994-50
vs.	:	
	:	DECISION
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by W.R.P. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to suspend him for one year, with the option of attending an alternative school, because he and two other students attacked and injured a fourth student as the victim exited a school bus on March 30, 1994. The Student claims the decision was too harsh. The Local Board's decision is sustained.

The Student claims on appeal that the Tribunal was biased and that the witnesses were untruthful. At the hearing before the Tribunal, the Student, who was represented by an attorney, accepted the Tribunal members without challenge and no challenge was made during or after the hearing. If an issue is not raised at the initial hearing, it cannot later be raised for the first time on appeal. The Tribunal served as the trier of fact with the responsibility of determining what occurred based upon the testimony presented. 'The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. *See, Ransum v. Chattooga County Bd. of Educ.*, 144 Ga. App. 783 (1978); *Antone v. Greene County Bd. of Educ.*, Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." *Roderick J v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). There was evidence to support the Tribunal's and the Local Board's decision.

The Student also complains on appeal that the Student was not treated the same as a student in another incident. The State Board of Education, however, cannot consider anything that was not raised at the initial hearing. There was no evidence of any disparate treatment presented at the Tribunal hearing. The State Board of Education, therefore, cannot consider this issue.

"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 of Telfair County*, 203 Ga. 152 (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 Local

Board had the authority to impose long-term suspension on the Student.
O.C.G.A. § 20-2-752.

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 and the Local Board did not abuse its discretion. The Local Board's decision, therefore, is
SUSTAINED.

This 8th day of September, 1994.

Messrs. McGlamery, Sessoms and Williams were not present.

Robert M Brinson
Vice Chairman for Appeals