

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>TRAMAINE E.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1996-3</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>FULTON COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by Tramaine E. (Student) from a December 14, 1995, decision by the Fulton County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to suspend the Student for the remainder of the 1995-1996 school year because he pushed a teacher in the hallway of the school. The Local Board also approved a waiver of the suspension at the beginning of the winter quarter to enable the Student to enter another high school. The Local Board imposed an additional requirement that the Student attend school during the 1996-1997 school year under a behavior/attendance contract. The Student claims that the matter would not have been referred to a Student Disciplinary Tribunal except for his race and that he was not adequately represented at the hearing before the Student Disciplinary Tribunal. The Local Board's decision is sustained.

"If an issue is not raised at the initial hearing, it cannot be raised for the first time when an appeal is made." *Hutcheson v. DeKalb Cnty. Bd. of Educ.*, Case No. 1980-5 (Ga. SBE, May 8, 1980). The State Board of Education, as an appellate body, is not authorized to consider matters that have not been raised before the Local Board. *Sharpley v. Hall Cnty. Bd. of Educ.*, 251 Ga. 54, 303 S.E.2d 9 (1983).

In this case, the issues raised by the Student were not raised before the Local Board. They cannot be raised for the first time before the State Board of Education. In addition, there is no evidence in the record that the Student's race was a factor in the discipline.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority. The Local Board's decision, therefore, is SUSTAINED.

This 11<sup>th</sup> day of April, 1996.

Mr. Sessoms, Mr. Owens and Dr. Thomas a were not present t.

Robert M. Brinson  
Vice Chairman for Appeals