STATE BOARD OF EDUCATION

STATE OF GEORGIA

:

S. W.,

: Appellant :

:

: CASE NO. 1998-29

:

vs. :

:

GWINNETT COUNTY :

BOARD OF EDUCATION :

DECISION

Appellee :

S. W. (Student) appeals from a decision by the Gwinnett County Board of Education (Local Board) to expel her until January 1999 after she was found guilty of distributing prescription and non-prescription drugs on the campus of Collins Hill High School. The Student's only complaint is that the punishment is too severe. Since the Student has not shown any error of law, the Local Board's decision is sustained.

The Student's only claim is that the punishment is too harsh because she is a model student with good grades and she readily admitted she brought drugs to school. "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 for Telfair County, 203 Ga. 152, 45 S.E.2d 442 (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 decision to expel the Student for nine months was within the authority of the Local Board and the Student has not shown any error.

During oral argument, the Student claimed that the school administration illegally searched her purse and found the drugs. This issue, however, was not raised before either the student disciplinary tribunal or the Local Board. "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).

Based upon the foregoing, it is the opinion of the State Board of Education that the Loca
Board acted within its discretionary powers. Accordingly, the Local Board's decision is
SUSTAINED.

This 13th day of August 1998.

Larry Thompson Vice Chairman for Appeals