

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>R. R.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2002-05</b>
	:	
<b>GWINNETT COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by R. R. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary panel to expel him for one year, with the option of attending an alternative school, after finding him guilty of bullying and posturing to fight. The Student claims the tribunal denied him due process because it did not continue the hearing until he could find an attorney who spoke his native language. The Local Board's decision is sustained.

The State Board of Education can only review the record created in the hearing before the tribunal. *See, e.g., Deiangelo E. v. Coffee Cnty. Bd. of Educ.*, Case No. 1991-21 (Ga. SBE, Sep. 12, 1991). There is nothing in the record that shows the Student asked for a continuance to obtain an attorney. The Student failed to appear for the hearing before the disciplinary tribunal, but there was nothing in the record to show that the Student informed the Local Board of any conflicts or other inability to attend the hearing. Instead, the record shows that the Student was informed of the charges, the possible consequences, the date and time of the hearing, and was provided with a map of where the hearing would be held. Additionally, the Local Board had a translator available at the hearing. The Local Board also informed the Student of his right to have an attorney present upon two-day notice, but the Student did not inform the Local Board that he would have an attorney present. The State Board of Education, therefore, concludes that the Local Board provided the Student with due process.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board provided the Student with due process. Accordingly, the Local Board's decision is **SUSTAINED**.

This \_\_\_\_\_ day of October 2001.

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Bruce Jackson  
Vice Chairman for Appeals