

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>A. C.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2002-26</b>
	:	
<b>HENRY COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by A. C. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a student disciplinary hearing officer to suspend him for ten days because he subjected a female student to sexual harassment. The Student claims that he was denied due process because his parents were not notified that he was suspected of violating a policy of the Local Board. Additionally, he claims that the punishment was too harsh and he was improperly charged under the wrong section of the disciplinary code. The Local Board's decision is sustained.

The Student, a seventh grader, directed some sexually explicit comments to a female student. The Student's parents received notice of an investigation three days after the incident occurred when the Student was charged with verbally abusing another student. The Student admitted that he made the remarks charged. A student disciplinary hearing officer found the Student guilty and suspended him from school for ten days. The Local Board upheld the hearing officer's decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

The Student claims that his due process rights were violated because his parents were not notified about the investigation of the incident. Due process, however, does not require school officials to notify a student's parents when a student is being investigated about a violation of local board policy. Although parents may feel they should be notified so they can be involved in the investigation, or take disciplinary action themselves, or provide counsel to their children, due process does not require such notice. *See, Goss v. Lopez*, 419 U. S. 565, 42 L.Ed. 725 (1975); *Dixon v. Alabama St. Bd. of Educ.*, 294 F.2d 150 (5<sup>th</sup> Cir., 1961).

The Student also claims that he should have been charged under a section of the disciplinary code that provided for a three-day suspension rather than the section of the code that permitted a ten-day suspension. The disciplinary code, however, lists sexual harassment violations under the section that permits a ten-day suspension. The Student has not shown that there was any abuse of discretion in charging him under the section that permits a ten-day suspension.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board did not deny the Student due process, nor was there any abuse of discretion in charging him under a section of the disciplinary code that permits a ten-day suspension. Accordingly, the Local Board's decision is  
SUSTAINED.

This \_\_\_\_\_ day of April 2002.

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**Bruce Jackson**  
Vice Chairman for Appeals