

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. C.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2010-29
	:	
DEKALB COUNTY	:	DECISION
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by J. C. (Student) from a decision by the DeKalb County Board of Education to uphold the decision of a student disciplinary tribunal to suspend him from regular school until the end of the first semester of the 2009-2010 school year after finding him guilty of assaulting a teacher, being rude and disrespectful, and using profanity. Because the suspension period has passed, the State Board of Education cannot provide the Student with any relief and the issues raised are moot. Accordingly, the appeal is dismissed.

On August 14, 2009, the Student, a sixth-grader, was asked by his teacher to give her his cellular telephone, but he refused. The teacher continued to ask for the telephone and the Student became very belligerent and aggressive. Another teacher and an assistant principal arrived on the scene to assist the teacher. The Student continued to be belligerent. He kicked a locker and his book bag, swore at the teachers, and said he was going to kill the teacher who came to assist. He started to give his telephone to the assistant principal by slamming it into the assistant principal's hand and then grabbing the telephone back. The Student eventually gave the telephone to a resource officer who arrived on the scene. The Student was charged with assault on a teacher, being rude and disrespectful, and using profanity, all in violation of the student code of conduct approved by the Local Board.

During a student disciplinary tribunal hearing, the teachers, the assistant principal, and the resource officer testified to the above facts and each was cross-examined by the Student. The Student did not testify and did not raise any issues during the hearing. The tribunal found the Student guilty of the charges and suspended him until the end of the semester. The Local Board upheld the tribunal's decision when the Student appealed the decision. The Student then filed an appeal with the State Board of Education.

On appeal, the Student raises several issues that were not raised during the tribunal hearing or before 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).

Since no issues were appropriately raised on appeal and since all issues are moot because the period of punishment has passed, the appeal is hereby DISMISSED.

This _____ day of January 2010.

William Bradley Bryant
Vice Chairman for Appeals