STATE BOARD OF EDUCATION

STATE OF GEORGIA

K. S.,	:	
Appellant,	:	**CASE NO. 1999-2**
vs.	:	**DECISION**
COWETA COUNTY BOARD OF EDUCATION,	:	
Appellee.	:	

This is an appeal by K. S. (Student) from a decision by the Coweta County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him from regular school for the remainder of the 1998-1999 school year, with the opportunity to attend an alternative school, after finding him guilty of initiating a bomb threat against his school. The Student claims that the punishment is too harsh. The Local Board's decision is sustained.

The Student claims on appeal that he is being punished for making a constitutionally protected statement.'[1] This issue was not raised 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). The State Board of Education, therefore, cannot consider whether the Student's speech was constitutionally protected.

The Student also claims that the punishment is too harsh because he has never been involved in any previous disciplinary action, is active in extracurricular activities and on track to attend college. His principal, assistant principal, and several of his teachers wrote to support the position that assignment to the alternative school was too harsh. "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. 198 1-40 (Ga. SBE, Feb. 11, 1982). Since the Local Board has the

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[1] The Student says that he jokingly said to a friend that the friend should call a bomb threat to the school so he (the Student) could get out of school for the rest of the day. Shortly after he made the statement, a bomb threat was called into the school.

authority to determine the extent of the disciplinary measures to be imposed, the State Board of Education is of the opinion that it cannot provide the Student with any relief

Based upon the foregoing, the State Board of Education is of the opinion that there was no error in the Local Board's decision. Accordingly, the Local Board's decision is SUSTAINED.

The 2nd & 6th Congressional Districts are vacant.

This 11th day of March 1999.

Larry Thompson
Vice Chairman for Appeals