

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. T.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1999-68
	:	
DAWSON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by J. T. ("Student") from a decision by the Dawson County Board of Education ("Local Board") to uphold the decision of a disciplinary tribunal to expel him through the end of the 1999-2000 school year, with the opportunity to attend an alternative school, after finding him guilty of verbal assault on a teacher. The Student argues that the punishment is too severe. He also claims that he was denied due process because he chose not to present a defense in reliance on the principal's assurance that he would only have to serve an in-school suspension. The Local Board's decision is sustained.

During October 1999, while being escorted to the main office by a teacher, the Student profanely threatened the teacher. At a disciplinary tribunal hearing, the Student admitted that he had used profanity and threatened the teacher. The tribunal decided to expel the Student for the remainder of the school year. The Local Board upheld the tribunal's decision when the Student appealed. The Student now appeals to the State Board of Education.

The Student claims that he was misled by the principal because the principal told him that he would only receive in-school suspension. He claims that he relied upon the principal's assurances and did not present any defense, which resulted in a denial of due process.

There is nothing in the record to support the Student's contention that he would only receive in-school suspension. Although the record indicates that the Student thought he would only receive in-school suspension, there is nothing in the record to show that he received any assurances from the principal. Additionally, the Student did not raise any issue at the hearing about receiving any assurances. "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 discipline was within the authority of the Local Board, there was evidence to support the decision, and the Student was not denied due process. The Local Board's decision, therefore, is hereby

SUSTAINED.

This 23rd day of February 2000.

Bruce Jackson
Vice Chairman for Appeals