

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>B. N.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2005-61</b>
	:	
<b>HABERSHAM COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by B. N. (Student) from a decision by the Habersham County Board of Education (Local Board) to expel him from regular school until the end of the first semester of the 2005-2006 school year, with the option of attending an alternative school during the first semester of the 2005-2006 school year, after a student disciplinary tribunal found him guilty of sexually harassing several female students. The Student claims that the evidence submitted to the tribunal was improper. The Local Board's decision is sustained.

During the hearing before the student disciplinary tribunal, the Student pleaded guilty to the charges that he sexually harassed several female students. On appeal to the State Board of Education, the Student claims that the administration improperly handled an earlier report that the Student engaged in sexual harassment of some other female students because his parents were not informed. The manner in which the administration handled an earlier disciplinary situation has no bearing on the instant case. The Student has not shown any requirement for the Student's parents to be informed of every incident that occurs in the school. The Student was given a warning and told not to engage in similar conduct in the future. This issue, therefore, does not warrant any disturbance of the Local Board's decision.

The Student also claims that statements from the female students were improperly admitted before the tribunal. The Student did not raise any objection when the statements were admitted. "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 Student also claims that the Local Board and the tribunal failed to take into consideration that the Student was taking a prescribed medication that altered his behavior. The Student, however, raised the issue during the hearing before the tribunal

that he had been taking the medication. It cannot, therefore, be said that the tribunal and the Local Board failed to consider the evidence presented.

Based upon the foregoing, it is the opinion of the State Board of Education that the Student was afforded due process, that the Local Board's decision was within its authority, and that the Local Board's decision was not arbitrary or capricious. Accordingly, the Local Board's decision is SUSTAINED.

This \_\_\_\_\_ day of September 2005.

---

William Bradley Bryant  
Vice Chairman for Appeals