

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. C.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-12
	:	
HOUSTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by A. C. (Student) from a decision by the Houston County Board of Education (Local Board) that upheld the decision of a student disciplinary tribunal to assign him to in-school suspension for the remainder of the 2004-2005 school year and to expel him during the first semester of the 2005-2006 school year, with the option of attending an alternative school during his expulsion period, after finding him guilty of being under the influence of drugs at school. The Student claims the school system denied him due process because it did not give him a copy of the charges until the day of the hearing, thus depriving him of an opportunity to prepare for the hearing. Additionally, he claims he was not given access to witnesses and the school system failed to properly investigate the incident. The Local Board's decision is sustained.

On April 20, 2005, the Student became sick at school because he ingested some methamphetamine pills. The Student admitted he had taken the pills. On April 22, 2005, a letter was mailed to the Student's parents that informed them that the Student was being charged with being under the influence of narcotics while on the school campus and that a tribunal hearing would be held on May 4, 2005, all of which was based on the Student's admission. Another letter was sent on April 25, 2005, that repeated the information contained in the April 22, 2005, letter with the additional information that the Student had a right to counsel and the right to subpoena witnesses. The first letter had the wrong zip code on it and the Student's parents did not receive it.

At the tribunal hearing, the Student said that one of the letters was not received, but he did not raise an issue about going forward with the hearing. Since the Student did not object to going forward with the hearing because of his lack of preparation, he is deemed to have waived this argument at the tribunal and it cannot now be raised before the State Board of Education. Additionally, there was no showing of how the Student was harmed since one of the two letters sent had the right postal address.

The Student also did not raise any issue about being denied access to any witnesses, nor was there any evidence presented that the Student requested any

subpoenas for witnesses or was denied any subpoenas. "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).

During the tribunal hearing, the Student argued that the school system had not conducted a thorough investigation about the source of the drugs. The extent of the school system's investigation, however, is not relevant to the issue of whether the Student was under the influence of drugs at school, which he admitted.

Based upon the foregoing, it is the opinion of the State Board of Education that the Student was not denied due process. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of October 2005.

Wanda T. Barrs
Chair, State Board of Education