

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>Z. G.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2007-05</b>
	:	
<b>HENRY COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by Z. G. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her from regular school until the end of the first semester of the 2006-2007 school year after finding her guilty of drinking alcohol at school. The Student claims that she was denied due process because she was questioned without her parents being present. The Student’s period of expulsion has passed and there is no relief that the State Board of Education can provide. The issues raised are moot and, therefore, the appeal is dismissed.

On May 18, 2006, the Student, an eighth grader, admitted to drinking alcohol during her homeroom class. She was charged with drinking alcohol and a student disciplinary tribunal was held on May 22, 2006, to hear the charge.<sup>1</sup> During the hearing, the Student did not deny that she drank alcohol, or that she had admitted to drinking alcohol. The Student did not present any defense, only character witnesses who requested leniency. The tribunal found her guilty and expelled her until the end of the first semester of the 2006-2007 school year with the option of attending an alternative school during her period of expulsion. The Local Board upheld the tribunal’s decision and the Student then appealed to the State Board of Education.

The Student claims that the Local Board denied her due process because the school administrators questioned her without her parents being present. The Student has not cited any statute, regulation, or case authority to support her position that a parent has to be present before a student can be questioned in an administrative setting. The State Board of Education, therefore, concludes that school officials did not deny due process to the Student by questioning her without her parents being present.

The Student also claims that she was denied due process because the school system failed to have some students at the hearing who were involved in the incident. The

---

<sup>1</sup> The delay in this case being considered by the State Board of Education resulted from the Student requesting several continuances.

record, however, does not disclose that the Student asked for subpoenas for any witnesses. Additionally, the Student did not request a continuance because witnesses were absent, nor did she raise the issue before the tribunal. "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). It was the Student's responsibility to seek to have any necessary witnesses available, not the school system's responsibility.

Based upon the foregoing, it is the opinion of the State Board of Education that the issues raised by the Student are moot because she is no longer subject to expulsion and the State Board of Education cannot provide her with any relief. Accordingly, the appeal is hereby  
DISMISSED.

This \_\_\_\_\_ day of January 2007.

---

William Bradley Bryant  
Vice Chairman for Appeals