

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. H., :
 :
 Appellant, :
 :
 vs. : **CASE NO. 2007-18**
 :
 CHATTAHOOCHEE COUNTY :
 BOARD OF EDUCATION, :
 : **DECISION**
 Appellee. :

This is an appeal by J. H. (Student) from a decision by the Chattahoochee County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from school until the end of the 2007-2008 school year after finding him guilty of possessing distracting paraphernalia, engaging in a verbal altercation, drinking alcohol, and possessing tobacco. The Student claims the punishment is too harsh. The Local Board’s decision is sustained.

On September 1, 2006, the Student attended a football game in an intoxicated state. When confronted by an assistant principal, he became belligerent and denied that he had been drinking. The Student had a cigarette lighter and some cigarettes. He was charged with possessing distracting paraphernalia, verbal altercation, alcoholic beverages, and tobacco. A student disciplinary tribunal heard the charges on September 21, 2006. The Student did not attend the hearing and the tribunal found him guilty of the charges and expelled him until the end of the 2007-2008 school year. The Local Board upheld the tribunal’s decision and the Student appealed to the State Board of Education.

On appeal to the State Board of Education, the Student claims that the punishment is too harsh. The State Board of Education, however, cannot adjust the level or degree of discipline imposed by a local board of education. *B. K. v. Bartow Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998). There was evidence that the Student was intoxicated at the football game, that he was belligerent with school officials, and that he had cigarettes and other smoking paraphernalia with him.

The Student also raises some issues that were not raised at the tribunal hearing. "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 Local Board provided the Student with due process and there is no basis for reversing the Local Board's decision. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of January 2007.

William Bradley Bryant
Vice Chairman for Appeals