

STATE BOARD OF EDUCATION
STATE OF GEORGIA

K. F.,	:	
	:	
Appellant,	:	CASE NO. 2009-09
	:	
vs.	:	
	:	
HART COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by K. F. (Student) from a decision by the Hart County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her for three semesters after she pleaded guilty to vandalism. The Student claims that the punishment is too harsh and that the disciplinary hearing was improperly held. The Local Board’s decision is sustained.

On May 21, 2008, the Student vandalized her school by spray-painting the sidewalks, windows, doors, and the school track, causing \$7,000 of damage. The Student was charged with vandalism. At a hearing before a student disciplinary tribunal, the Student pleaded guilty. The tribunal expelled her for three semesters, with the opportunity to return to school after two semesters if she successfully attended an alternative school. The Student appealed to the Local Board on the grounds that the punishment was too harsh, but the Local Board sustained the tribunal’s decision. The Student then appealed to the State Board of Education.

The Student claims that the punishment was 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). "A local board of education ... is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. *See, Boney v. County Board of Education for Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947); *Braceley v. Burke County Bd. of Ed.*, Case No. 1978-7." *Joseph M. v. Jasper Cnty. Bd. of Educ.*, Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). The State Board of Education concludes, therefore, that the punishment was not too harsh.

The Student also claims that she was not given an opportunity to waive a hearing, and that the principal did not leave the room when the tribunal deliberated on the punishment. The record shows that neither of these issues was raised 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).

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that the punishment imposed was within the authority of the Local Board and was not too harsh. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of October 2008.

William Bradley Bryant
Vice Chairman for Appeals