

STATE BOARD OF EDUCATION

STATE OF GEORGIA

C. J.,	:	
	:	
Appellant,	:	CASE NO. 2009-27
	:	
vs.	:	
	:	
BURKE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by C. J. (Student) from a decision by the Burke County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her until the end of the 2008-2009 school year after finding her guilty of threatening a teacher while on probation. The Student claims that the punishment was improper because it was her first offense. The decision of the Local Board is sustained.

On November 13, 2008, the Student began arguing with her teacher when the teacher asked to look at the Student's work. The Student then said that she would hit the teacher. At the time, the Student was on probation. The disciplinary hearing officer expelled the Student until the end of the 2008-2009 school year. The Local Board upheld the tribunal's decision and the Student filed an appeal with the State Board of Education.

On appeal, the Student claims that the punishment was improper because the incident was her first offense. The record, however, shows that this claim is baseless; the Student was on strict probation because of other offenses. The Student's expulsion, therefore, arises from the violation of probation, rather than her threats against the teacher. The State Board of Education concludes that the Local Board did not fail to follow its own policies in expelling the Student until the end of the school year.

The Student raises a number of other issues that essentially attack the testimony and actions of the school's witnesses. None of these issues were raised at the hearing 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 Local Board's decision was supported by the evidence, was not arbitrary or capricious, and did not deny the Student due process. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of March 2009.

William Bradley Bryant
Vice Chairman for Appeals