

STATE BOARD OF EDUCATION

STATE OF GEORGIA

WILLIAM JAMES, JR.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1978-8
	:	
WASHINGTON COUNTY BOARD OF	:	
EDUCATION,	:	
	:	
Appellee.	:	


O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the appeal filed herein is moot and is therefore dismissed.

This 12th day of June, 1978.



THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

WILLIAM JAMES, JR.,	:	CASE NO. 1978-8
	:	
Appellant,	:	
	:	
vs.	:	
	:	
WASHINGTON COUNTY BOARD OF	:	REPORT OF
EDUCATION,	:	HEARING OFFICER
	:	
Appellee.	:	

PART I

SUMMARY OF APPEAL

On December 6, 1977, the Washington County Board of Education (hereinafter "Local Board") entered a decision to expel William James (hereinafter "Appellant") for the remainder of the 1977-1978 school year. The charges made against Appellant were that (1) he threatened a school teacher; (2) he directed profanity against the principal, and (3) he refused to do anything the teacher asked of him. The primary thrust of the appeal is that the decision is erroneous because of the failure of the Local Board to take into consideration Appellant's handicap and provide him with special education services instead of expelling him for the remainder of the school term. The Hearing Officer recommends

that the appeal be dismissed because the issues presented are moot.

PART II
FINDINGS OF FACT

On November 23, 1977, Appellant's mother was notified in writing that the principal would recommend to the Local Board the expulsion of Appellant for the remainder of the school term. The charges against Appellant were listed, the date of the hearing was given, and Appellant's mother was informed that she could have counsel present.

The hearing was held on December 6, 1977 and Appellant's mother was notified in writing on December 9, 1977 that the Local Board had decided to expel Appellant for the remainder of the 1977-1978 school term. The notice to the parent also stated that the superintendent and others would continue to attempt to get Appellant into a program known as the Outdoor Therapeutic Program. The record does not disclose if this program is one that is provided by the Local Board or if it is provided by some other educational agency.

On December 14, 1977, an appeal to the State Board of Education was filed with the superintendent. The trans-

cript was not immediately submitted to the State Board of Education because of a misunderstanding between the Local Board and Appellant concerning additional hearings. Appellant did not apply to the Local Board for a supersedeas order.

PART III

CONCLUSIONS OF LAW

The expulsion was for the remainder of the 1977-1978 school term. Since the term has ended, or will end shortly, any issues presented by this appeal are now moot. Appellant can be readmitted to the school system for the 1978-1979 school term. Section 05-3110 of the Appeals Policy of the State Board of Education provides that "No appeal shall act as supersedeas unless so ordered by the local board or by the Chairman of the State Board." Appellant, who was represented by counsel, therefore could have requested a supersedeas order from the Local Board in order to prevent the mooting of the issues presented by the appeal. In the absence of such an application, the appeal should be dismissed for being moot.

PART IV

RECOMMENDATION

Based upon the above findings and conclusions, the record, and the briefs and arguments of counsel, it is the opinion of the Hearing Officer that the decision of the Washington County Board of Education is a moot issue because the expulsion was for the remainder of the 1977-1978 school term. The Hearing Officer, therefore, recommends that the appeal be dismissed.

L. O. Buckland

L. O. BUCKLAND
Hearing Officer