

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>VAN P.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1989-2</b>
<b>V.</b>	:	
	:	<b>DECISION</b>
<b>FULTON COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by the parents of Van P. (“Student”) from a decision by the Fulton County Board of Education (“Local Board”) to uphold the determination of a student disciplinary tribunal that the Student was guilty of violating rules of conduct established by the Local Board. No disciplinary action was taken as a result of the findings. The appeal, therefore, is dismissed.

The Student was charged with violating the Local Board’s Rules 4, 5, and 8. A disciplinary tribunal was convened on November 2, 1988 to receive evidence concerning the charges. The Student was represented by legal counsel.

The Disciplinary Tribunal found that the Student had violated Rules 5 and 8, but that there was insufficient evidence to show that Rule 4 had been violated. In addition, the Tribunal determined that the Student was enrolled in a special education program. The Local Board, therefore, did not impose any disciplinary action.

Local Board Rule 5 provides:

A student shall not cause or attempt to cause physical injury, threaten bodily harm, intentionally make physical contact of an insulting or provoking nature, or behave in such a way as could reasonably cause physical injury to any person

Local Board Rule 8 provides:

A student shall not fail to comply with reasonable directions or commands of teachers ... principals ... or other authorized school personnel....

O.C.G.A. § 20-2-1160(b) provides that any party aggrieved by a decision of a local board of education has the right to appeal to the State Board of Education. In the instant case, the Local Board did not take any disciplinary measures against the Student. In the absence of any disciplinary measures, it cannot be said that the Student was aggrieved by the Local Board's decision.

Based upon the foregoing, the record submitted, and the brief and arguments made, the State Board of Education is of the opinion that the Student has not been aggrieved by the Local Board's decision that he violated two rules of conduct, and the appeal to the State Board of Education, therefore, is improper. The appeal, therefore, is

DISMISSED

This 9<sup>th</sup> day of March, 1989.

John M. Taylor  
Vice Chairman For Appeals