

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JOE L., JR.,

Appellant,

vs.

**HENRY COUNTY
BOARD OF EDUCATION,**

Appellee.

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CASE NO.1995-48

DECISION

This is an appeal by Joe L., Jr. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold, because of a tie vote, the decision of a hearing officer to suspend him for the remainder of the first semester of the 1995-1996 school year after finding that marijuana had been found in his car. The Student was permitted to attend an alternative school during his suspension. The Student claims that the evidence did not show any knowledge on his part that there was a marijuana seed and a marijuana leaf in the back of his car. Because the issues raised by the Student are moot since the period of suspension has passed and the State Board of Education cannot provide any relief, the appeal is dismissed.

The Student claims that the case is not moot because his records will show that he was found guilty of possessing marijuana. There is no evidence in the hearing record that the Student's disciplinary record will be available to anyone after he graduates. The State Board of Education is bound to decide appeals based upon the record presented on appeal. In the absence of any showing of harm to the Student, there is nothing for the State Board of Education to decide.

The issues raised by the Student are moot. It is, therefore, the opinion of the State Board of Education that the appeal be, and is hereby DISMISSED.

This 8th day of February, 1996.

Messrs. Brinson, McGlamery and Sessoms were not present. The seat for the Tenth District is vacant.

J. T. Williams, Jr., Chairman
State Board of Education