

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M. S.,	:	
	:	
	:	
Appellant	:	
	:	
	:	CASE NO. 1998-23
	:	
vs.	:	
	:	
HOUSTON COUNTY	:	
BOARD OF EDUCATION	:	
	:	DECISION
Appellee	:	

This is an appeal by M. S. (Student) from a decision by the Houston County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from all regular classes for the remainder of the 1997-1998 school year after finding him guilty of possessing a knife on school property. Notwithstanding the errors committed by the student disciplinary tribunal and the Local Board, the expulsion period has passed and the case is moot.

The Student, a sixteen-year-old tenth grader, was charged with assault against another student with a weapon on March 10, 1998. During the hearing before the student disciplinary tribunal, the assault charge was dropped, but the hearing continued because the Student had a knife. The knife was a penknife with the blade broken so that less than half of it remained. Although he had not been charged with possession of a knife, the tribunal found him guilty and expelled him.

The Student argues that the case is not moot because he was placed on strict probation for the 1998-1999 school year. The imposition of probation, however, does not vitiate mootness. Probation in a school setting does not impose any legal disabilities upon a student. In the instant case, there is nothing to be probated since the Student completed the expulsion period that was imposed upon him by the tribunal and Local Board. The Student claims he could be barred from participating in extra curricular activities, but there is nothing in the record to support such a conjecture. The tribunal's decision did not bar the Student from extra curricular activities after the 1997-1998 school year and there would be no basis for him to be barred because of this incident.

Since the State Board of Education cannot provide the Student any relief, the appeal is hereby
DISMISSED.

This 13th day of August 1998.

Larry Thompson
Vice Chairman for Appeals