

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>J. T.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2008-06</b>
	:	
<b>GWINNETT COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	<b>DECISION</b>
<b>Appellee.</b>	:	

This is an appeal by J. T. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the findings of a student disciplinary tribunal that she had been disruptive in school, failed to follow directions, and was unexcused from class. The Student, however, is protected by the Individuals with Disabilities Education Act, 20 U.S.C. Secs. 1400 *et seq.* (the "Act" or "IDEA") and the school system has not taken any action against her, but, instead, has referred her to a staffing committee as required by IDEA. Since the Student falls under the provisions of IDEA, and no punitive action has been taken against the Student, the State Board of Education does not have jurisdiction to consider the Student's appeal. *See, J. J. v. Fulton Cnty. Bd. of Educ.*, Case No. 2007-54 (Ga. SBE, July 12, 2007). Accordingly, the appeal is hereby  
**DISMISSED.**

This \_\_\_\_\_ day of October 2007.

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Wanda T. Barrs  
Chair, State Board of Education