

STATE BOARD OF EDUCATION

STATE OF GEORGIA

K. K.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2008-76
	:	
HENRY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by K. K. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him through the first semester of the 2008-2009 school year, with the option of attending an alternative school during the period of expulsion, after finding him guilty of disrupting the school by setting off a stink bomb. The Student claims that the Local Board cannot expel him because he is eligible for services under the Individuals with Disabilities Education Act, 20 U.S.C. Secs. 1400 *et seq.* (IDEA). “The State Board of Education does not have any jurisdiction to consider questions that relate to IDEA because such questions properly go before the Office of State Administrative Hearings. *See*, Rules and Regulations of the State of Georgia, § 160-4-7-.18(e).” *J. J. v. Fulton Cnty. Bd. of Educ.*, Case No. 2007-54 (Ga. SBE, Jul. 12, 2007). Since the State Board of Education is without jurisdiction to consider the Student’s appeal, the appeal is hereby

DISMISSED.

This _____ day of September 2008.

William Bradley Bryant
Vice Chairman for Appeals