

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>D. B,</b>	:	
	:	
<b>Appellant,</b>	:	<b>CASE NO. 2010-41</b>
	:	
<b>vs.</b>	:	
	:	
<b>MUSCOGEE COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	<b>DECISION</b>
	:	
<b>Appellee.</b>	:	

This is an appeal by D. B (Student) from a decision by the Muscogee County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal finding him guilty of possessing marijuana on school property and referring the case to a individualized educational placement committee to consider the decision under the provisions of the Individuals with Disabilities Education Act, 20 U.S.C. Secs. 1400 *et seq.* (IDEA). Neither the Local Board nor the tribunal imposed any disciplinary action against the Student because he is a special education student. The State Board of Education does not have any jurisdiction to consider questions that relate to IDEA. Instead, the Student must request a hearing under the provisions of IDEA. Since the Student has not received any punishment, there is no relief that the State Board of Education can provide the Student, which renders the appeal moot. Accordingly, the Student’s appeal is, therefore, DISMISSED.

This \_\_\_\_\_ day of March 2010.

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William Bradley Bryant  
Vice Chairman for Appeals