

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**SHAUNA B.,** :  
 :  
 **Appellant,** :  
 : **CASE NO. 1988-37**  
 v. :  
 : **DECISION**  
 **CRAWFORD COUNTY** :  
 **BOARD OF EDUCATION,** :  
 :  
 **Appellee.** :

**PART I**

**SUMMARY**

This is an appeal by Shauna B. (“Appellant”) from a decision of the Crawford County Board of Education (“Local Board”) to suspend her from riding the school bus for the balance of the 1987-1988 school year and for the first thirty days of the 1988-1989 school year. Appellant claims the Local Board should not have imposed any sanctions against her because she is a handicapped student. The appeal is dismissed as moot.

**PART II**

**FACTUAL BACKGROUND**

On March 8, 1988, Appellant struck another student while riding on the school bus at the end of the school day. At the time of the incident, Appellant was thirteen years old and in the seventh grade.

A hearing was conducted by the Local Board on May 17 and May 23, 1988. During the hearing, the Local Board heard testimony that Appellant struck another student several times when she believed the other student had made a derogatory comment about her mother. The other student did not strike back and did not defend herself.

At the beginning of the hearing, Appellant's counsel moved to dismiss the hearing based upon the fact Appellant was a handicapped student. Following the school bus incident, Appellant's parents had requested evaluation of Appellant for special education services. No action had been taken on the request at the time of the hearing. Appellant had not been identified as being handicapped prior to the school bus incident. The motion was denied.

At the conclusion of the hearing, the Local Board found Appellant guilty of the charges. Appellant was suspended from riding the school bus for the remainder of the 1987-1988 school year and for the first thirty days of the 1988-1989 school year. In addition, the Local Board placed Appellant on probation for the 1988-1989 school year.

Appellant made a timely appeal to the State Board of Education.

### **PART III**

#### **DISCUSSION**

Appellant contends that the Local Board should not have conducted the hearing or imposed any punishment because she should be classified as a handicapped student. Appellant contends that the history of disciplinary problems she had should have put the Local Board on notice that she was a handicapped student. Appellant also argues that the appeal is not moot because the probation terms the Local Board imposed upon her extend throughout the 1988-1989 school year.

Notwithstanding Appellant's arguments, the suspension period has already passed and there is no relief the State Board of Education can grant. The State Board of Education also cannot engage in speculation about whether any action will be taken because of the probation imposed. The decision of the Local Board, therefore, is moot.

**PART IV**

**DECISION**

Based upon the foregoing, the record submitted, and the briefs and argument of counsel, the State Board of Education determines that the issues raised are moot. The appeal, therefore, is

DISMISSED upon unanimous vote. Mrs. Cantrell was not present.

This 10<sup>th</sup> day of November, 1988.

John M. Taylor  
Vice Chairman For Appeals