

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>ANDREW H.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>v.</b>	:	<b>CASE NO. 1992-38</b>
	:	
<b>GWINNETT COUNTY</b>	:	<b>DECISION</b>
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by the parent of Andrew H. ("Student") from a decision by the Gwinnett County Board of Education ("Local Board") to sustain the decision of a Student Disciplinary Committee to expel the Student until November 30, 1992, because he was involved in stealing hood ornaments from cars parked at a school. The appeal is dismissed because the issues raised on appeal are moot.

The Student and two other students went to the parking lot at Gwinnett Oak Elementary School and stole the hood ornaments from ten to twelve cars. The Student admitted the theft to the Disciplinary Committee. The Student Disciplinary Committee decided to suspend the Student through November 30, 1992. The Local Board upheld the decision on October 6, 1992. The Student's parent filed an appeal with the State Board of Education and complained that the Student's punishment was not the same as the punishment given to the other students.

The issues raised in the instant case are moot because the suspension period was over on November 30, 1992. The Student did not raise the issues concerning the difference between the punishments when he appeared before the Local Board. Issues raised for the first time on appeal cannot be considered by the State Board of Education. Even if the issue had been raised before the Local Board, the Local Board's decision would have been sustained. The record shows that the student admitted to stealing the hood ornaments and further the student did not provide any evidence to the Local Board supporting his claim regarding different punishment.

Based upon the foregoing and the record submitted, the State Board of Education is of the opinion that the issues raised are moot, the appeal should be dismissed, and the Local Board did not exceed its authority. The appeal, therefore, is hereby

DISMISSED.

This 14<sup>th</sup> day of January, 1993.

Mrs. King and Mr. Sears were not present.

Robert M. Brinson  
Vice Chairman for Appeals