

**STATE BOARD OF EDUCATION  
STATE OF GEORGIA**

<b>BARRY M.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO 1993-4</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>HOUSTON COUNTY BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by the parents of Barry M. (“Student”) from a decision by the Houston County Board of Education (“Local Board”) to uphold the recommendation of a Student Review Committee to suspend the Student on November 18, 1992, until the end of the semester because of continual misbehavior in the classroom. The Student’s parents apparently appealed because they felt the decision was too harsh.<sup>1</sup> The appeal is dismissed because it was not timely filed. Additionally, the appeal is moot because the suspension period has passed and there is no relief to be granted to the Student.

On May 5, 1992, the Student, a seventh grader, was assigned to an alternative school because disciplinary measures in the regular school were ineffective. The assignment did not become effective until the 1992-1993 school year.

At the beginning of the 1992-1993 school year, the Student was referred for discipline on twenty-two occasions in the first thirty-five days of school. Progressive levels of discipline were attempted. The Student was counseled, removed from the classroom, and sent to the principal.

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<sup>1</sup> The Student’s parents filed an appeal, but did not file any reasons for the appeal and did not file a brief or make oral arguments.

Parent conferences were held. Notwithstanding these efforts, the Student continued to disrupt the classrooms. The Student's Principal then recommended suspension of the Student for the remainder of the semester. A Student Review Committee met and decided that the Student should be suspended for the remainder of the semester.

The Student's parents appealed to the Local Board. The Local Board conducted a hearing on November 17, 1992. The Student's parents waived their right to have an attorney present. Evidence was presented by the Principal of the different incidents, the discipline measures attempted, and of parent conferences. At the conclusion of the hearing, the Local Board voted to uphold the decision of the Student Review Committee. The Student's parents filed an appeal on December 18, 1992.

An appeal to the State Board of Education from the decision of a local board of education has to be made within thirty days following the local board's decision. O.C.G.A. § 20-2-1160. In this case, the appeal was filed thirty-one days after the Local Board's decision. Since the appeal was not filed on time, it must be dismissed.

The appeal is also moot because the suspension period has passed. The State Board of Education cannot grant the Student any relief, even if the appeal had been filed on time.

Based upon the foregoing, the State Board of Education is of the opinion that the appeal was not filed on time and must, therefore, be, and is hereby, DISMISSED.

This 11<sup>th</sup> day of March, 1993.

Mr. Sears and Mr. Sessoms were not present.

Robert M. Brinson  
Vice Chairman for Appeals