

**STATE BOARD OF EDUCATION  
STATE OF GEORGIA**

<b>DAVID J.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO 1993-24</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>SAVANNAH-CHATHAM COUNTY BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by David J. (Student), a senior, from a decision by the Savannah-Chatham County Board of Education (Local Board) to uphold the recommendation of a disciplinary tribunal to expel the Student after he was involved in a fight outside the principal's office. During the fight, an assistant principal was struck and the principal's leg was broken. The Local Board permitted the Student to attend an alternative school and graduate from high school. The other student involved in the fight was not expelled. The Student claims the Local Board's decision was racially biased, arbitrary and capricious, and denied him equal protection. The appeal is dismissed as moot.

On April 16, 1993, the Student, a senior at the Local Board's Jenkins High School, was involved in a fight with another student, a sophomore. A coach heard the two boys arguing outside the building and he escorted the other student to the principal's office. As the coach entered the building, the Student followed and both students traded taunts.

Just outside the principal's office, the Student lunged towards the other student and attempted to hit him. During the ensuing melee, the Student struck an assistant principal in the face and the principal fell and broke his leg as he attempted to restrain the other student. After a full-day hearing, spread over two days, a disciplinary tribunal recommended the Student's expulsion. On appeal to the Local Board, the Local Board upheld the disciplinary tribunal's recommendation, but permitted the Student to attend an alternative school and obtain his diploma. The Local Board issued its decision on May 12, 1993, and the Student filed a timely appeal to the State Board of Education.

The Local Board has moved for dismissal of the appeal because the expulsion period has passed and the Student has graduated from high school. The Student claims the appeal is not moot because his graduation certificate was not issued by Jenkins High School.

The issues raised by the Student are moot and the State Board of Education cannot provide any relief because the expulsion period is over and the Student has already graduated.

The Student has not cited any authority to establish that a graduation certificate has to be issued by a particular school rather than the Local Board. The State Board of Education has previously held that when an expulsion period is over and the student graduates, there is no relief to be provided. *See, Keino R. v. DeKalb Cnty. Bd. of Educ.*, Case No. 1991-23 (Ga. SBOE, Oct. 10, 1991). We see no reason to distinguish this case from *Keino R.*

Based upon the foregoing, the State Board of Education is of the opinion that it cannot provide any relief to the Student and the appeal is moot. The appeal, therefore, is DISMISSED.

This 9<sup>th</sup> day of September, 1993.

Mrs. King, Mr. Sears, Mr. Shurbutt and Dr. Thomas were not present.

Robert M. Brinson  
Vice Chairman for Appeals