

**STATE BOARD OF EDUCATION
STATE OF GEORGIA**

JOSH B.,	:	
	:	
Appellant,	:	
	:	CASE NO 1993-30
vs.	:	
	:	DECISION
COBB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Josh B. (Student) from a decision by the Cobb County Board of Education (Local Board) to uphold the decision of a Disciplinary Tribunal to suspend the Student for twenty days because he brought a starter pistol to the school campus. The Student claims that his due process rights were violated because the Local Board's attorney acted as both prosecutor and hearing officer. Although we agree that there may be a denial of fundamental procedural due process when a local board's attorney serves as both prosecutor of a case and as hearing officer, we dismiss the appeal as being moot.

Following a hearing before a Disciplinary Tribunal, where evidence was presented that the Student brought the starter pistol to school and gave it to another student, thus violating duly adopted policies of the Local Board, the Student was suspended from school for twenty days. His suspension was over on May 25, 1993. Since the suspension period is over, the State Board of Education cannot provide any relief. The appeal, therefore, is moot and is hereby,

DISMISSED.

This 11th day of November, 1993.

Robert M. Brinson
Vice Chairman for Appeals