

STATE BOARD OF EDUCATION

STATE OF GEORGIA

B. T.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1997-31
vs.	:	CASE NO. 1997-31
	:	
FULTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	
	:	

This is an appeal by B. T. (Student) from a decision by the Fulton County Board of Education (Local Board) to uphold the decision of a Student Disciplinary Tribunal to suspend the Student until the end of the 1996-1997 school year after finding her guilty of bringing a can of pepper spray to school.¹ The Student claims that the entire disciplinary process was illegally initiated because she was never informed that the Local Board had changed its rules regarding the possession of pepper spray on campus. Since the suspension period has passed, the State Board of Education is unable to provide the Student with any relief and the issues raised are moot. Since the issues raised are moot, the appeal is dismissed.

On April 3, 1997, the Student, an eighth-grader at Sandy Springs Middle School, brought a canister of pepper gas spray to school, as she had done since the beginning of the school year.² Another student took the canister and discharged the spray in a classroom. The Student was charged with violating the Local Board's Disciplinary Rule 8 and a hearing was scheduled for April 24, 1997. Disciplinary Rule 8 provides that "A student shall not possess ... self-defense sprays such as mace or pepper gas ... (a) on school grounds at any time. ..."

The Student did not participate in the hearing held on April 24, 1997. Consequently, the Student failed to raise any issues or present any evidence at the Tribunal

¹ The Tribunal also waived the suspension under an academic and behavioral contract.

² Appellant claims that the Local Board changed its policy and that at the beginning of the school year, the Local Board's policies did not prohibit possession of pepper gas spray on campus, but the rule was changed during the 1996-1997 school year to prohibit possession on campus. There was no evidence presented concerning the adoption of any changes to the Local Board's policies.

hearing. The Tribunal suspended the Student for the remainder of the 1996-1997 school year, but waived the suspension and placed the Student on an academic and behavioral contract, which is a form of probation used by the Local Board.³ The Local Board approved the probation and the Student appealed to the State Board of Education.

On appeal, the Student claims that the Tribunal hearing was illegal because she did not receive notice of the change in the Local Board's policy. There is, however, nothing in the record to establish either that the Local Board changed its policy or that the Student did not receive notice of the change. On appeal, the State Board of Education must confine itself to the record established below. In addition, the Student did not raise any issues before the Tribunal. New issues cannot be raised for the first time on appeal. The probation period is over and the State Board of Education cannot provide the Student with any relief and the appeal is moot.

The State Board of Education can only conclude that the Student failed to establish that the Local Board's decision was erroneous as a matter of law. Since the issues raised are moot, the Student's appeal is hereby
DISMISSED.

This 13th day of November, 1997.

Larry Thompson
Vice Chairman for Appeals

³ The Student received a 10-day in-school suspension before the Tribunal hearing.