

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. D.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2005-20
	:	
HENRY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by J. D. (Student) from a decision by the Henry County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him in-school for ten days after finding him guilty of inappropriate physical contact.¹ The Student claims that the rule is unconstitutionally overbroad because it does not inform students in advance what touching is prohibited. While the Student’s claim may have merit, his appeal is moot because the period of his suspension is past and the State Board of Education cannot grant him any relief.² Accordingly, the Student’s appeal is dismissed.

This _____ day of February 2005.

William Bradley Bryant
Vice Chairman for Appeals

¹ The Local Board’s rule provides: “The following . . . behavior can result in students being placed in the In-School Suspension program . . . (13) Physical contact between students that is deemed inappropriate.” Henry County Schools Secondary Handbook, 2004-2005, p. 31.

² During oral argument, the Student’s attorney claimed that the Student has not served his suspension because he withdrew from school following the tribunal hearing and, therefore, the issue is not moot. The State Board of Education, however, is required to confine its review to the record established before the Local Board. *See, Deiangelo E. v. Coffee Cnty. Bd. of Educ.*, Case No. 1991-21 (Ga. SBE, Sep. 12, 1991). Since there is nothing in the record concerning the Student’s withdrawal, it cannot be considered.

