

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. K.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-53
	:	
GWINNETT COUNTY	:	DECISION
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by J. K. (Student) from a decision by the Gwinnett County Board of Education to uphold the decision of a student disciplinary tribunal that found him guilty of smoking marijuana on a school bus. The Student is enrolled in special education classes and, therefore, was not disciplined but, instead, was referred to an individualized educational program committee.¹ Because the school system did not take any disciplinary action against the Student, there is no relief that the State Board of Education can provide, thus making the appeal moot. Additionally, the Student failed to file a brief or request oral argument. The Student's appeal, therefore, is deemed to have been abandoned. *Chris M. v. McIntosh Cnty. Bd. of Educ.*, Case No. 1995-47 (Ga. SBE, Jan. 11, 1996). Accordingly, the appeal is hereby DISMISSED.

This _____ day of April 2006.

William Bradley Bryant
Vice Chairman for Appeals

¹ Students enrolled as special education students cannot have their individualized educational program changed without a hearing conducted under the provisions of the Individuals with Disabilities Education Act, 20 U.S.C. Secs. 1400 *et seq.* (the "Act" or "IDEA").