

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. J.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-54
	:	
FULTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by J. J. (Student) from a decision by the Fulton County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal that found the Student guilty of fighting and making oral threats at school. The Student claims that the evidence did not support the tribunal's decision. The Student is receiving special education services so neither the Local Board nor the tribunal imposed any disciplinary sanctions on the Student. Instead, the Student was referred to an individualized educational plan review team under the provisions of the Individuals with Disabilities Education Act, 20 U.S.C. Secs. 1400 *et seq.* (the "Act" or "IDEA") to determine if his actions were a manifestation of his disabilities. The State Board of Education does not have any jurisdiction to consider questions that relate to IDEA because such questions properly go before the Office of State Administrative Hearings. *See*, Rules and Regulations of the State of Georgia, § 160-4-7-.18(e). Since the Student has not received any punishment, there is no relief that the State Board of Education can provide the Student, which renders his appeal moot. Accordingly, the Student's appeal is, therefore, DISMISSED.

This _____ day of July 2008.

William Bradley Bryant
Vice Chairman for Appeals