

STATE BOARD OF EDUCATION

STATE OF GEORGIA

D. J.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2008-38
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	DECISION
Appellee.	:	

This is an appeal by D. J. (Student) from a decision by the Gwinnett County Board of Education (Local Board) that upheld the finding of a student disciplinary tribunal that the Student was guilty of sexual misconduct and failure to obey commands. Neither the Local Board nor the tribunal imposed any disciplinary action against the Student because he is a special education student covered by the Individuals with Disabilities Education Act, 20 U.S.C. Secs. 1400 *et seq.* ("IDEA"). Instead, the Student was referred for appropriate staffing under IDEA. The State Board of Education does not have any jurisdiction to consider questions that relate to IDEA. 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 May 2008.

William Bradley Bryant
Vice Chairman for Appeals