

Evidence was also presented that the students were yelling and talking loudly. In addition, the Student's cousin testified that another student admitted to him that he was the one who hit the teacher with a spitball. The Student Disciplinary Panel voted to adopt the principal's recommendation to suspend the Student until the end of the semester. The Student appealed the decision to the Local Board. The Local Board affirmed the decision of the Student Disciplinary Panel. The Student then appealed the decision of the Local Board on the grounds he did not receive a fair and impartial hearing.

PART III

DISCUSSION

On appeal, the Student claims that his right to a fair and impartial hearing was violated. Specifically, the Student contends that the school failed to comply with O.C.G.A § 50-13-13-(b) and (c) by not giving a jurisdiction statement or a statement of the particular statutes and rules involved. The Student also contends that the panel was not sworn, the Local Board's attorney gave both an opening statement and an opening argument, hearsay evidence was improperly admitted, the hearing officer failed to instruct the panel on what level of evidence is required, the hearing officer was unaware of his power to grant a directed verdict and that the Student could not have disrupted the class as it was already in chaos.

The issues raised in the instant case are moot because the suspension period was over on January 20, 1994. The State Board of Education, therefore, cannot provide any relief. See. Powell v. Fitzgerald County Board of Education. Case No. 1990-19 (Ga. SBE, Sep. 13, 1990).

PART IV

DECISION

Based upon the foregoing and the record submitted, the State Board of Education concludes that the appeal is moot. The appeal, therefore, is

DISMISSED.

This 14th day of April, 1994.

Mr. Brinson, Mrs. King, Dr. Thornton and Mr. Williams were not present.

Richard C. Owens, Chairman
State Board of Education