

The Student claims that the Local Board should have taken into consideration that he should be in special education classes. There was, however, no evidence presented to the Student Disciplinary Tribunal that the Student should be in special education classes. The placement of a student in special education classes is rigidly controlled under the Individuals with Disabilities Act, 84 Stat. 175, as amended, 20 U.S.C. § 1400 *et seq.* (IDEA) and cannot be done simply on the basis of a student's academic record. Instead, IDEA requires a student to be evaluated and admitted to special education only if certain procedures are followed so that students are not arbitrarily placed in special education classes. Additionally, the issue was raised before the Local Board so the claim cannot be made that the Local Board did not take the matter into consideration.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority. Accordingly, the Local Board's decision is SUSTAINED.

This 9th day of May, 1996.

Ms. Barbara King, Mr. Dick Owens, Ms. Julie Keeton, Mr. Walt Sessotns and Mr. Ed Floyd were not present.

Robert M. Brinson
Vice Chairman for Appeals