

PART III

DISCUSSION

The Local Board contends on appeal that the State Board of Education lacks jurisdiction to consider the appeal because no hearing was held below. The record on appeal consists of the motion for reconsideration filed by Appellants and the minutes of the Local Board for their meeting of September 11, 1986. The minutes of the Local Board reflect that a motion was made and passed to deny the motion for reconsideration “on grounds that issues raised in the motion have already been heard and decided by the Board in a prior hearing.”

O.C.G.A. § 20-2-1160 provides that local boards shall constitute tribunals for hearing and determining any matter of local controversy in reference to the construction or administration of the school law, and that any party aggrieved by a decision of the local board rendered on a contested issue after a hearing shall have the right to appeal therefrom to the State Board of Education. The State Board of Education is only authorized to consider on appeal matters which have been raised before a local board. Sharpley v. Hall Cnty. Bd. of Ed., 251 Ga. 54 (1983); Owen v. Long Cnty. Bd. of Ed., 245 Ga. 647 (1980); Boney v. Cnty. Bd. of Ed., 203 Ga. 152 (1947).

In the present case, the Local Board rendered a decision on a contested issue. The Local Board, however, contends it did not hold a hearing. While it is clear the Local Board did not grant the motion for reconsideration and hold a hearing on the issues Appellants desired to have reconsidered, it is not so clear that the consideration of the motion to reconsider does not constitute an appealable hearing. The Local Board minutes reflect that the Local Board considered the issues raised in the motion to reconsider. Decisions of local boards may at times be purely administrative, and therefore not appealable because the decisions were not rendered after hearings. O.C.G.A. § 20-2-1160, however, does not provide for particular formalities for a hearing. Thus where, as in the present case, one contested issue is considered and decided on by the Local Board, such

will constitute a hearing sufficient for appeal. To hold otherwise would mean that Appellants would be required to seek a mandamus to have a more formal hearing held, only to have the Local Board restate its position. Such a result is not required.

Appellants contend on appeal that the Local Hoard's decision was illegal because a previous decision dealing with the same subject was in the appellate process at the time. Appellants, however, have not offered any legal support for their contentions, and did not file a brief to put forth any arguments supporting their position. Appellants have not shown that the Local Board was required to grant the motion for reconsideration. While the Local Board could have postponed a decision on the motion, Appellants' unsupported allegation that the decision was illegal does not provide any grounds for reversal of the Local Board's decision. While the administrative process does not require the formality of a court proceeding, Appellants must provide some legal support for their position in order to prevail.

PART IV

DECISION

Based upon the record presented, the State Board of Education determines that jurisdiction to decide the appeal exists but, because Appellants have failed to provide any legal support for their position on appeal, the decision of the Telfair County Board of Education is

SUSTAINED.

Dated this 8th day of January 1987.

LARRY A. FOSTER, SR.
Vice Chairman for Appeals