

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>LEVAR B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1995-33</b>
<b>vs.</b>	:	
	:	<b>DECISION</b>
<b>LAMAR COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by LeVar B. (Student) from a vote by the Lamar County Board of Education (Local Board) not to reconsider its January 23, 1995, decision to suspend him for the remainder of the 1994-1995 school year and assign him to an alternative school for the first semester of the 1995-1996 school year because he was found guilty of fighting in the school. The Student requested a reconsideration on April 26, 1995. The Local Board refused to reconsider the matter or hold another hearing.

O.C.G.A. § 20-2-160 requires appeals from the decisions of a local board of education to be made within thirty days after the local board's decision. If an appeal is not filed within the time prescribed, then the State Board of Education does not have jurisdiction to consider the appeal. See, Boney v. County Board of Education of Telfair County, 203 Ga. 152 (1947). The Student's attempt to appeal from the denial of the motion for reconsideration does not vest the State Board of Education with jurisdiction because O.C.G.A. § 20-2-1160 only permits appeals to be taken when a local board of education makes a decision after holding a hearing. The Student cannot turn an untimely appeal into a timely appeal by filing a motion for reconsideration. The Student's appeal, therefore, is DISMISSED.

This 10<sup>th</sup> day of August, 1995.

Messrs. Sessoms, Teasley and Williams were not present. The seat for the Tenth District is vacant.

Robert M. Brinson  
Vice Chairman for Appeals