

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**ALAN D. GREENBERG,**                                 :  
  :  
      **Appellant,**                                     :  
  :  
**vs.**   :  
  :  
**CITY OF DECATUR**                                 :  
**BOARD OF EDUCATION,**                         :  
  :  
      **Appellee.**                                    :  
  :

**CASE NO. 1996-60**

**DECISION**

This is an appeal by Alan Greenberg (Appellant) from a decision by the City of Decatur Board of Education (Local Board) not to grant his children resident status within Decatur because the children lived with their mother in the City of Atlanta. As a result, the Local Board charged tuition for the children to attend the City of Decatur schools. The appeal was not timely filed and is therefore dismissed because the State Board of Education does not have jurisdiction to consider the appeal.

A hearing was held by the Local Board on July 9, 1996, on whether the children were residents of Atlanta or Decatur. The Local Board decided that the children were not residents of Decatur and they would have to pay tuition if they attended the City of Decatur schools. On July 25 and September 20, 1996, the Local Superintendent notified Appellant of the Local Board's decision and of Appellant's right to appeal to the State Board of Education. Appellant filed an appeal to the State Board of Education on October 23, 1996.

Appeals to the State Board of Education have to be made within 30 days after the local board makes a decision. O.C.G.A. § 20-2-1160. If the appeal is not made within 30 days after the local Board's decision, then the State Board of Education lacks jurisdiction to consider the appeal. See, Josh D. v. Gwinnett Cnty. Bd. of Educ., Case No. 1991-15 (Ga. SBE, June 13, 1991). In the instant case, Appellant failed to file the appeal within 30 days. The appeal, therefore, is hereby

**DISMISSED.**

This 16<sup>th</sup> day of January, 1997.

Larry Thompson  
Vice Chairman for Appeals