

STATE BOARD OF EDUCATION

STATE OF GEORGIA

H. T.,	:	
	:	
Appellant	:	
	:	
	:	CASE NO. 1998-22
	:	
vs.	:	
	:	
GWINNETT COUNTY BOARD OF EDUCATION	:	
	:	
Appellee	:	DECISION

This is an appeal by H. T. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to permanently expel him after a student disciplinary tribunal found him guilty of the charges made against him. Neither the Student nor his parents attended the hearing before the tribunal. In his appeal, the Student contends he did not receive notice of the hearing because his parents were travelling out of the country when the notice was sent to them. The Student’s appeal is dismissed because it was not timely filed.

The Student was charged with violating the Local School System’s Rule 11, “Other conduct which is subversive to good order,” because he “had a felony conviction that was so serious as to pose a threat to the school community.” An assistant principal testified that a school resource officer told him that the Student had received a felony conviction in connection with a drive-by shooting. Based upon this evidence, the tribunal found the Student guilty and expelled him for one year with a recommendation of permanent expulsion. On March 12, 1998, the Local Board voted to permanently expel the Student and notified the Student of the expulsion by a letter dated March 25, 1998. On April 29, 1998, the Local Superintendent received the Student’s appeal to the State Board of Education.

O.C.G.A. § 20-2-1160 requires that a notice of appeal to the State Board of Education has to be filed with the local superintendent within 30 days after the decision of a local board. If the appeal is not filed with the local superintendent within 30 days, as required by statute, the State Board of Education lacks jurisdiction to consider the appeal. *See, Cooper v. Gwinnett Co. Bd. of Educ.*, 157 Ga. App. 289, 277 S.E.2d 285 (1981).

The appeal in the instant case was filed with the Local Superintendent more than 30 days after the Local Board's decision and more than 30 days after the date of the letter notifying the Student of the Local Board's decision. The appeal, therefore, was untimely and must be dismissed. Accordingly, the appeal is hereby DISMISSED.

This 9th day of July 1998.

Ms. Willou Smith, Ms. Barbara Archibald, and Dr. Bill Grow were absent.

Larry Thompson
Vice Chairman for Appeals

