

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**MELVIN MCCLAIN,**

**Appellant**

**vs.**

**GRIFFIN-SPALDING COUNTY  
BOARD OF EDUCATION**

**Appellee**

**CASE NO. 1998-50**

**DECISION**

This is an appeal by Melvin McClain from a June 30, 1998 decision by the Griffin-Spalding County Board of Education (Local Board) to terminate his teaching contract. Appellant filed his appeal with the Local Superintendent on August 3, 1998, more than thirty days after the Local Board made its decision. Under the provisions of O.C.G.A. § 20-2-1160(b), an appeal from a local board’s decision has to be made within thirty days after the local board’s decision is made. Accordingly, Appellant’s appeal had to be filed with the Local Superintendent no later than July 30, 1998. In the absence of a timely filing of the appeal, the State Board of Education lacks jurisdiction to consider the appeal. *See, Coleman ‘v. Paulding Cnty. Bd. of Educ.*, Case No. 1989-3 (Ga. SBE, Apr. 13, 1989); *Kenisha B. v. Cobb Cnty. Bd. of Educ.*, Case No. 1994-14 (Ga. SBE, May 12, 1994).

Appellant claims that written notice of the Local Board’s decision was not issued until July 2, 1998, which gave him until Monday, August 3, 1998 to file his appeal. In *CFK et al. v. Peach Cnty. Bd. of Educ.*, Case No. 1993-29 (Ga. SBE, Sep. 9, 1993), the State Board of Education held that if the notice of the local board’s decision gave the date of the local board of education’s decision, then the 30-day period for an appeal begins to run from the date of the local board’s decision, rather than from the date of the notice. In the instant case, the July 2, 1998 notice stated that the Local Board made its decision on June 30, 1998. Appellant’s appeal, therefore, was due on July 30, 1998. The State Board of Education, therefore, lacks jurisdiction to consider Appellant’s appeal. Accordingly, the appeal is hereby **DISMISSED.**

The 2nd & 6th Congressional Districts are vacant.

This 11<sup>th</sup> day of March 1999.

Larry Thompson  
Vice Chairman for Appeals