STATE BOARD OF EDUCATION

STATE OF GEORGIA

DERRILL PERRY,	:	
	:	
Appellant,	:	
	:	
vs.	:	**CASE NO. 2003-33**
	:	
ATLANTA CITY	:	
BOARD OF EDUCATION,	:	
	:	**DECISION**
Appellee.	:	

This is an appeal by Derrill Perry (Appellant) from a decision by the Atlanta City Board of Education (Local Board) not to hear his appeal from a grievance he filed in which he alleged that he was being racially discriminated against because of disparate pay for similar responsibilities. Since the Local Board has not conducted a hearing, the State Board of Education does not have jurisdiction to consider the matter. The appeal, therefore, is dismissed.

O.C.G.A. §20-2-1160 permits appeals to the State Board of Education from decisions made by local boards after a hearing. "The State Board of Education being a tribunal with limited jurisdiction for hearing appeals, matters essential to its jurisdiction must appear on the face of its decision, and where … the decision of the State board affirmatively shows that there was before it on appeal no decision of the county board rendered after hearing objections or complaints, the State board was without jurisdiction…. " *Boney v. County Bd. of Educ. of Telfair County,* 203 Ga. 152, 45 S.E.2d 442 (1947). In the instant case, the Local Board has not conducted a hearing because of its contention that Appellant failed to file a timely claim. Regardless of the reasons for not conducting a hearing, the State Board of Education does not have jurisdiction to consider any of the claims made by Appellant.

Since the State Board of Education lacks jurisdiction, the appeal is hereby DISMISSED.

This _____ day of June 2003.

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Wanda T. Barrs
Chair, State Board of Education