

STATE BOARD OF EDUCATION

STATE OF GEORGIA

LETOD K.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1988-40
V.	:	
	:	DECISION
DOUGHERTY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by LeTod K. (“Appellant”) from a decision by the Dougherty County Board of Education (“Local Board”) to suspend him for the remainder of the 1987-1988 school year because he carried a loaded pistol to school. The appeal was not timely filed with the local superintendent. The appeal, therefore, is dismissed.

On May 25, 1988, the Local Board heard an appeal from a decision by the Dougherty County Disciplinary Committee to dismiss Appellant because he came to school with a loaded pistol. The Local Board affirmed the Disciplinary Committee’s decision to expel Appellant for the remainder of the 1987-1988 school year. An appeal was filed on June 27, 1988.

O.C.G.A. § 20-2-1160 provides that an appeal from a decision of a local board of education must be filed with the local superintendent within thirty days of the decision of the local board. In the instant case, the thirtieth day fell on June 24, 1988, which was neither a weekend day nor a holiday. The appeal, therefore, was three days late.

There is correspondence in the record that indicates that an argument could be made that an appeal was filed on June 22, 1988, when counsel for Appellant requested a transcript of the

hearing. Even if the appeal were deemed to be timely, the issue is moot because there was no request for supersedeas and the disciplinary action has already been taken.

Based upon the record presented and the briefs of counsel, the State Board of Education is of the opinion that the appeal was not timely made. The appeal, therefore, is

DISMISSED.

This 8th day of December, 1988.

John M. Taylor
Vice Chairman For Appeals