

STATE BOARD OF EDUCATION

STATE OF GEORGIA

RICHARD B.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1993-23
vs.	:	
	:	DECISION
WHITFIELD COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by the parents of Richard B. (“Student”) from a decision by the Whitfield County Board of Education (“Local Board”) not to permit them to file an out-of-time appeal from a decision to permanently expel the Student from school after he threatened a teacher with a loaded gun. The Student’s parents claim the Student has repaid his debt to society and should be readmitted to school. The appeal, however, would be untimely and the State Board of Education would not have jurisdiction to consider the matter. The Local Board’s decision, therefore, is sustained.

The Local Board’s decision to expel the Student was made on June 2, 1992. On June 3, 1992, the Local Superintendent wrote to the Student’s parents and informed them of the Local Board’s decision. Additionally, the Local Superintendent informed the Student’s parents that they had to file an appeal within thirty days if they desired to appeal the Local Board’s decision to the State Board of Education.

On March 2, 1993, nine months later, the Student’s parents wrote to the Local Superintendent and said they wanted to appeal the Local Board’s decision not to permit their son to attend school. On April 20, 1993, the Local Superintendent wrote to the Student’s parents and informed them that the Local Board had voted not to grant an out-of-time appeal. The Student’s parents then filed an appeal to the State Board of Education.

O.C.G.A. § 20-2-1160 permits appeals to the State Board of Education to be filed within thirty days after a local board of education makes a decision concerning school law. The State Board of Education’s jurisdiction is limited to the statutory grant of authority contained in O.C.G.A. § 20-2-1160. If an appeal is filed later than the thirty days permitted by O.C.G.A. § 20-2-1160, the State Board of Education does not have jurisdiction to hear the appeal.

If the Local Board had voted to permit an appeal, the appeal would have been nine months late. The Local Board does not have the authority to expand the State Board of Education's jurisdiction. The Local Board, therefore, properly denied the request to file an out-of-time appeal. Accordingly, the Local Board's decision is

SUSTAINED.

This 12th day of August, 1993.

Messrs. Sears and Williams were not present.

Robert M. Brinson
Vice Chairman for Appeals