

STATE BOARD OF EDUCATION

STATE OF GEORGIA

D. M.,

Appellant,

vs.

**GWINNETT COUNTY
BOARD OF EDUCATION,**

Appellee.

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CASE NO. 1999-24

DECISION

This is an appeal by D. M. (Student) from a decision by the Gwinnett County Board of Education to uphold the decision of a student disciplinary tribunal to expel him from regular school until February 17, 2000, with the option of attending alternative school during the expulsion period, and an opportunity to return to school in January 2000 if he completes twenty hours of community service and attends a "Payout Program" after finding him guilty of engaging in a fight at school, striking another student, pushing a teacher, and disobeying a teacher. The Local Board made its decision on March 11, 1999, but the appeal was not filed until April 22, 1999, or 42 days after the Local Board's decision. "O.C.G.A. § 20-2-1160 requires appeals to be filed within 30 days after a local board makes a decision. Since the appeal was not timely filed, the State Board of Education is without jurisdiction to consider the appeal." *Kenisha B. v. Cobb Cnty. Bd. of Educ.*, Case No. 1994-14 (Ga. SBE, May 12, 1994). Accordingly, the appeal is hereby **DISMISSED**.

This _____ day of August 1999.

Bruce Jackson
Vice Chairman for Appeals