

STATE BOARD OF EDUCATION

STATE OF GEORGIA

J. J. S.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2001-22
	:	
WALKER COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by J. J. S. (Student) from a decision by the Walker County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him until the end of the first semester of the 2000-2001 school year after finding him guilty of possessing marijuana on school property. The Student claims that the evidence did not support the charges. The appeal was improperly filed and must, therefore, be dismissed.

O.C.G.A. § 20-2-1160(b) requires an aggrieved party to file an appeal from a local board’s decision with the local superintendent within 30 days after the local board makes its decision. If the appeal is not filed with the local superintendent within 30 days, then the State Board of Education lacks jurisdiction to consider the appeal. *D. W. v. Gwinnett Cnty. Bd. of Educ.*, Case No. 1998-32 (Ga. SBE, Sept. 10, 1998).

In the instant case, the Student filed the appeal with the State Board of Education despite receiving instructions that the appeal had to be filed with the Local Superintendent. Since the appeal was not filed with the Local Superintendent within 30 days after the Local Board made its decision the State Board of Education does not have jurisdiction to consider the appeal. Accordingly, the appeal is hereby **DISMISSED**.

This _____ day of April 2001.

Bruce Jackson
Vice Chairman for Appeals