

STATE BOARD OF EDUCATION

STATE OF GEORGIA

<b>PAUL AND CARRIE WEST, ERIC</b>	:	
<b>AND OLYA BROADWELL,</b>	:	
	:	
<b>Appellants,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2006-07</b>
	:	
<b>FULTON COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	<b>DECISION</b>

This is an appeal by Paul and Carrie West and Eric and Olya Broadwell (collectively, Appellants) from a decision by the Fulton County Board of Education that they would have to pay non-resident fees for their children to attend Fulton County schools. Appellants claim that they are residents of Fulton County and the Local Board’s decision violates O.C.G.A. § 20-2-133(a), which provides for a free education to children within the school system in which they reside.<sup>1</sup> The Local Board did not hold a hearing before making its decision. Under the provisions of O.C.G.A. § 20-2-1160, therefore, the State Board of Education does not have jurisdiction to consider the appeal because only local board decisions made after a hearing can be reviewed by the State Board of Education. *See, Mallard v. Warren*, 222 Ga. 731, 152 S.E.2d 380 (1966); *Boney v. County Bd. of Educ. of Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947). The appeal, therefore, is DISMISSED.

This \_\_\_\_\_ day of September 2005.

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William Bradley Bryant  
Vice Chairman for Appeals

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<sup>1</sup> The county line crosses Appellants properties and their houses are located in Cobb County. It appears that the bulk of their property taxes are paid to Cobb County and they have filed homestead exemptions in Cobb County.