STATE OF GEORGIA

J. L. COLLIER,

Appellant,

: CASE NO. 1989-9

V. : DEC1S ION

GRIFFIN-SPALDING COUNTY : BOARD OF EDUCATION, :

:

Appellee. :

This is an appeal by J. L. Collier ("Appellant") from a decision by the Griffin-Spalding County Board of Education ("Local Board") to not allow his daughter to attend a school outside her "attendance zone". The Local Board has a policy that requires elementary students to attend schools within designated zones. If a family moves from one zone to another during the year, the policy requires the student to change schools. This policy was instituted in connection with a voluntary plan of desegregation.

At its March 13, 1989 meeting, the Local Board denied the requests of Appellant and two other families to allow their children to remain in schools outside their attendance zones. All of the families had moved into new attendance zones during the school year. The Local Board's decision was made administratively; a hearing was not conducted, evidence was not presented, and there were no sworn statements made. Appellant filed his notice of appeal to the State Board of Education on March 14, 1989.

The State Board of Education has jurisdiction to hear appeals only when there has been a hearing on a contested issue involving the interpretation or construction of school law. O.C.G.A. § 20-2-1160(a). The Georgia Constitution and the legislature have placed the responsibility of operating schools with the local boards of education. Thus, the State Board of Education does not become involved in the daily administration of the local schools; it only has jurisdiction when a local board functions in a quasi-judicial capacity. In this case, a hearing was not

conducted. The State Board of Education, therefore, does not have jurisdiction to hear this appeal

and it must be dismissed.

In addition to the fact that there has not been a hearing, the issue raised, whether the

student can attend a school outside the student's attendance zone, is moot because the school

year has been completed. The State Board of Education, therefore, cannot give any relief even if

it had jurisdiction.

Based upon the foregoing reasons, the appeal is hereby

DISMISSED.

This 8th day of June, 1989.

John M. Taylor Vice Chairman For Appeals