



incompetent and other good and sufficient cause existed to terminate Appellant's contract. Appellant then filed a timely appeal to the State Board of Education.

Appellant's only claim on appeal is that there was no evidence submitted to support the charges. Appellant then points to the satisfactory ratings he received each year and the positive testimony given on his behalf at the hearing. The principal thrust of Appellant's argument is that there was conflicting testimony regarding his effectiveness and ability to manage his classrooms.

"The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an abuse of discretion or the decision is so arbitrary and capricious as to be illegal. *See, Ransum v. Chattooga County Bd. of Educ.*, 144 Ga. App. 783, 242 S.E.2d 374 (1978); *Antone v. Greene County Bd. of Educ.*, Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." *Roderick J. v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991).

The job of weighing the credibility of the witnesses rests with the Local Board. The State Board of Education cannot make such determinations because it is unable to observe the witnesses and their demeanor. In its detailed decision, the Local Board pointed out the many instances of improper classroom management. This evidence was sufficient, despite the positive testimony given on Appellant's behalf. The State Board of Education, therefore, concludes that there was evidence presented to support the Local Board's decision.

Based upon the foregoing, the State Board of Education is of the opinion that the evidence supports the Local Board's decision. The Local Board's decision, therefore, is **SUSTAINED**.

Mr. J.T. Williams, Jr. was not present.

The seat for the 2nd Congressional District is vacant.

This 12<sup>th</sup> day of November 1998.

Larry Thompson  
Vice Chairman for Appeals

