STATE BOARD OF EDUCATION

STATE OF GEORGIA

ISAAC BRIGHT,	:	
	:	
Appellant,	:	**CASE NO. 2010-54**
	:	
vs.	:	
	:	
EMANUEL COUNTY	:	
BOARD OF EDUCATION,	:	**DECISION**
	:	
Appellee.	:	

This is an appeal by Isaac Bright (Appellant) from a decision by the Emanuel County Board of Education (Local Board) to terminate his teaching contract because of other good and sufficient cause and immorality under the provisions of O.C.G.A. § 20-2-940. Appellant claims that inappropriate, prejudicial, hearsay evidence was introduced during the tribunal hearing. The Local Board's decision is sustained.

On November 4, 2009, the Local Superintendent notified Appellant that a recommendation would be made to the Local Board to terminate Appellant's teaching contract on the grounds of immorality and other good and sufficient cause based upon Appellant's admission to an investigator that he had sexual relations with a female student on multiple occasions. Appellant requested a hearing on the charges, which the Local Board conducted on November 23, 2009.

The Local Board employed appellant as a sixth grade social studies teacher and coach. In August 2009, the mother of a female high school senior found some sexually explicit text messages on the student's cellular telephone. The parent determined that the source of the text messages was Appellant's cellular telephone. The parent reported the incident to law enforcement personnel after consulting with a counselor who was seeing the student. A Georgia Bureau of Investigation (GBI) agent interviewed the student and she told him that she had been having consensual sexual relations with Appellant. The student provided the agent with details of her encounters with Appellant.

The following day, the GBI agent interviewed Appellant. Appellant admitted to the GBI agent that he had been having consensual sexual relations with the female student and he confirmed many of the details the student had provided to the GBI agent. In subsequent interviews, the student and Appellant denied they were sexually intimate. After her initial denial, however, the student went back to the story she had given the agent during the first interview. Appellant denied any sexual involvement with the student and claimed he had not admitted to any involvement during the first interview.

During the hearing before the Local Board, the student denied any sexual involvement with Appellant and claimed she had been intimidated by the GBI agent into saying she had had sexual relations with Appellant. Appellant claimed he had never made any admissions to the GBI agent; that the GBI agent had fabricated the story about his involvement with the student. He admitted, however,

that he had sent the sexually explicit text messages to the student, but claimed he was only repeating messages she had sent to him to be sure he understood the abbreviations she had used.

At the conclusion of the hearing, the Local Board voted to terminate Appellant's teaching contract. Appellant then appealed to the State Board of Education.

On appeal to the State Board of Education, Appellant claims that the Local Board erred by admitting into evidence a printout of Appellant's telephone records, photographs of the text messages found on the student's telephone, and a copy of the GBI agent's summary report of his interviews with the student and with Appellant because the first two items were hearsay evidence and the third item was an investigative report barred by *Brown v. State*, 274 Ga. 31, 549 S.E.2d 107 (2001).

"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). In the instant case, there was evidence that Appellant had admitted he had sexual relations with the student, and the student admitted she had told the GBI agent she had sexual relations with Appellant. Appellant also admitted that he had sent sexually explicit text messages to the student's cellular telephone. There was, therefore, direct evidence that supports the Local Board's decision.

It was the Local Board's duty to weigh the testimony of the GBI agent against Appellant's denial of any sexual involvement and his claims that the GBI agent fabricated the story that Appellant admitted to such involvement. "The tribunal sits as the trier of fact and, if there is conflicting evidence, must decide which version to accept. When that judgment has been made, the State Board of Education will not disturb the finding unless there is a complete absence of evidence." *F. W. v. DeKalb Cnty. Bd. of Educ.*, Case No. 1998-25 (Ga. SBE, Aug. 13, 1998).

Since there was direct evidence to support the Local Board's decision, the admission of any hearsay evidence was harmless error.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of April 2009.

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William Bradley Bryant
Vice Chairman for Appeals