

STATE OF GEORGIA

Appellee.

1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10. ☐ 11. ☐ 12. ☐ 13. ☐ 14. ☐ 15. ☐ 16. ☐ 17. ☐ 18. ☐ 19. ☐ 20. ☐ 21. ☐ 22. ☐ 23. ☐ 24. ☐ 25. ☐ 26. ☐ 27. ☐ 28. ☐ 29. ☐ 30. ☐ 31. ☐ 32. ☐ 33. ☐ 34. ☐ 35. ☐ 36. ☐ 37. ☐ 38. ☐ 39. ☐ 40. ☐ 41. ☐ 42. ☐ 43. ☐ 44. ☐ 45. ☐ 46. ☐ 47. ☐ 48. ☐ 49. ☐ 50. ☐ 51. ☐ 52. ☐ 53. ☐ 54. ☐ 55. ☐ 56. ☐ 57. ☐ 58. ☐ 59. ☐ 60. ☐ 61. ☐ 62. ☐ 63. ☐ 64. ☐ 65. ☐ 66. ☐ 67. ☐ 68. ☐ 69. ☐ 70. ☐ 71. ☐ 72. ☐ 73. ☐ 74. ☐ 75. ☐ 76. ☐ 77. ☐ 78. ☐ 79. ☐ 80. ☐ 81. ☐ 82. ☐ 83. ☐ 84. ☐ 85. ☐ 86. ☐ 87. ☐ 88. ☐ 89. ☐ 90. ☐ 91. ☐ 92. ☐ 93. ☐ 94. ☐ 95. ☐ 96. ☐ 97. ☐ 98. ☐ 99. ☐ 100. ☐

DECISION

On February 2, 1999, the Local Board conducted a hearing on the charges. The female teacher testified that she and Appellant had sexual relations in the school on several occasions. Appellant denied that he had ever engaged in any relations with the female teacher. He also testified that he did not arrive at school early in the morning because he had to take his children to the babysitter. He also testified that he could not have had relations with the female teacher late in the afternoon because he was involved in his coaching activities in the afternoon. After the hearing, the Local Board voted to dismiss Appellant. Appellant then appealed to the State Board of Education.

Appellant claims that the notice given to him was inadequate because it did not identify the dates and times on which any of the incidents occurred. As a result, he claims he was unable to establish a defense by being able to call witnesses to establish his whereabouts when each incident occurred. Appellant, however, was informed that the incidents occurred in the morning and late afternoons. He could have brought in witnesses to establish he did not arrive at school until after the incidents allegedly occurred, or to establish that he was engaged in team practice each afternoon. The State Board of Education, therefore, concludes that Appellant could have mounted a defense and that the notice given to him was adequate.

“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. 1979-11 (Ga. SBE, Sept. 8, 1976).” *Roderick J. v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). Since there was some evidence – the testimony of the female teacher – before the Local Board, the State Board of Education concludes that the Local Board’s decision should not be disturbed.

Based upon the foregoing, it is the opinion of the State Board of Education that Appellant was given sufficient notice and that there was evidence to support the Local Board’s decision. Accordingly, the Local Board’s decision is
SUSTAINED.

This 10th day of June, 1999.

Otis Brumby
Chairperson