

STATE BOARD OF EDUCATION

STATE OF GEORGIA

LEE STIEVE,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2004-03
	:	
BENTLEY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Lee Stieve (Appellant) from a decision by the Bentley County Board of Education (Local Board) to terminate his teaching contract after finding him guilty of incompetence, willful neglect of duty, insubordination, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. Appellant claims there was no evidence to support the charges. The Local Board's decision is sustained.

During the 2001-2002 school year, Appellant's principal observed him in a disoriented state at the school. Appellant could not talk coherently, his speech was slurred, and he was glassy-eyed. Appellant denied that he was taking any drugs. The principal took Appellant to a drug testing facility, where he was tested for drugs. Appellant then admitted that he was taking a prescription medication that caused his disorientation. The principal and the Local Superintendent told Appellant that he was not to come to school in an impaired condition, even if the drugs were prescribed by a doctor.

In August, 2002, Appellant again appeared at school in an impaired condition. He again denied he was under the influence of any drugs and was taken to a drug testing facility. Appellant later admitted that he was taking a prescribed medication.

On January 8, 2003, Appellant's principal observed him berating a student in the hallway. The principal reported the incident and recommended termination of Appellant's teaching contract. The Local Superintendent then recommended termination of Appellant's contract to the Local Board because of incompetence, willful neglect of duty, insubordination, and other good and sufficient cause under the provisions of O.C.G.A. § 20-2-940. The Local Board conducted a hearing in June, 2003. After the hearing, the Local Board voted to terminate Appellant's contract. Appellant then appealed to the State Board of Education.

Appellant claims that there was no evidence to support the charges against him. "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 direct evidence that Appellant was in school on two different days in an incoherent state and unable to teach any classes. Appellant was directed not to come to school in an impaired state before the second incident.

Appellant claimed that he took the medication because he had severe headaches that arose because he was accused of a crime he had not committed. While this may have been an extenuating circumstance, it does not establish that there was no evidence to support the charges. Appellant was able to present the extenuating circumstance to the Local Board for its consideration in determining whether all the circumstances, in their totality, supported termination of Appellant's contract.

Based upon the foregoing, 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 9th day of October 2003.



Wanda T. Barrs
Chairperson - State Board of Education