

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

**PHARRON WEBB,**

**Appellant,**

**vs.**

**CALHOUN COUNTY  
BOARD OF EDUCATION,**

**Appellee.**

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**CASE NO. 2004-04**

**DECISION**

This is an appeal by Pharron Webb (Appellant) from a decision by the Calhoun County Board of Education (Local Board) to terminate his teaching contract because of incompetence and other good and sufficient causes. Appellant claims that the evidence does not support the charges. The Local Board's decision is sustained.

The Local Board employed Appellant at the beginning of the 2002-2003 school year as a science, mathematics, and social studies teacher in the middle school. Shortly after the school year began, Appellant's principal noted that Appellant had difficulty controlling his classroom. Outside resources were employed to assist Appellant and there was some initial improvement. During the period from the beginning of the school year until January 23, 2003, Appellant administered corporal punishment approximately 135 times to his students. On one occasion, shortly before he was removed from his classroom, Appellant took almost the entire class to the front office to have discipline administered by an administrator.

In January 2003, Appellant's students reported that he said that white students were smarter than black students. Appellant denied making the statement, stating that the students were discussing the effects of genes and when a student asked why white students scored higher on standardized tests than black students, he tried to move the discussion to another area, but did state that there might be cultural differences. On January 23, 2003, Appellant's principal removed him from the classroom and recommended termination of his teaching contract.

A three-member tribunal conducted a hearing and heard evidence. After the hearing, the tribunal concluded that there was evidence that Appellant was incompetent and there was other good and sufficient cause to terminate his teaching contract. The Local Board accepted the tribunal's recommendation and terminated Appellant's contract. Appellant then filed an appeal with the State Board of Education.

In his appeal, Appellant claims that there was no evidence to support the charges. "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).

Although it was the precipitating event, the charge that Appellant made a racially offensive statement in his classroom is suspect. All of the students who testified against Appellant used virtually identical words to describe the incident, including one student who was not even in the class where the alleged statement was made, which indicates the students were coached. Nevertheless, the tribunal sat as the trier of fact. "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). Thus, even though the students gave nearly identical testimony, the tribunal could find that Appellant made the statement.

Appellant claims that there was no documentation about his inability to maintain order in his classroom and that he received satisfactory marks on the only formal evaluation made of his teaching, which indicates to him that the charges against him were fabricated to serve political ends. While documentary evidence may have been useful to the school system in presenting its case, the testimony of administrators was sufficient evidence, if believed, to establish that Appellant had trouble in controlling his classes. Based upon the testimony, the tribunal found that Appellant was unable to control his class, and the State Board of Education cannot go behind that decision.

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 9<sup>th</sup> day of October 2003.



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Wanda T. Barrs  
Chairperson - State Board of Education