

STATE BOARD OF EDUCATION

STATE OF GEORGIA

THEO IVEY, JR.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2005-34
	:	
THOMAS COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Theo Ivey, Jr. (Appellant) from a decision by the Thomas County Board of Education (Local Board) to terminate his teaching contract after finding him guilty of insubordination, willful neglect of duties, and other good and sufficient causes. Appellant claims that there was no evidence to support the Local Board’s decision. The Local Board’s decision is sustained.

Appellant served as the director of an alternative school for the Local Board. On May 14, 2004, a parent arrived at the school to enroll her daughter based upon a decision made the previous night by the Local Board. The student did not have on the proper attire to comply with the dress code of the school and Appellant told the parent that the student could not enroll that day because she was out of uniform. The parent went to the Local Superintendent, who began investigating the incident.

The Local Superintendent determined that Appellant had acted in an unprofessional manner in the way he treated the parent and the student when the student had been directed to enroll in the school by the Local Board. In addition, the Local Superintendent learned that Appellant had been permitting a paraprofessional to baby sit her granddaughter at the school. Appellant also did not receive a satisfactory evaluation for the 2003-2004 school year. Consequently, the Local Superintendent recommended the termination of Appellant’s contract.

The Local Board conducted a hearing on the Local Superintendent’s charges and recommendation on June 29, 2004. After the hearing, the Local Board upheld the Local Superintendent’s recommendation and voted to terminate Appellant’s contract. Appellant then filed a timely appeal to the State Board of Education.

Appellant’s primary argument is that there were explanations for his conduct, or that there was contrary testimony concerning some of his actions. For example, Appellant claims that his secretary testified that he acted in a professional manner in his interaction with the parent who attempted to enroll her child in the school. The parent, however,

testified about Appellant's conduct in telling her that she could not enroll her daughter, despite the Local Board's direction that the girl was to enroll at the school at 8:30 a.m. on May 14, 2004. There was also testimony from a teacher that Appellant was aware that the paraprofessional was babysitting her granddaughter in the school, although Appellant testified that he only knew about one instance where he allowed the grandchild to remain at the school at the end of the day because of a family emergency.

"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 from which the Local Board could decide that Appellant acted in an unprofessional manner and violated Local Board policy by permitting the paraprofessional to keep her granddaughter in the classroom during the day while class was in session.

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 _____ day of May 2005.

William Bradley Bryant
Vice Chairman for Appeals