

against Appellant. The State Board of Education concludes that the Local Board failed to carry its burden of proof as required by O.C.G.A. § 20-2-940(e)(4).

This does not mean that the State Board of Education believes in any leniency toward anyone involved with child pornography. It is always a serious concern if students may be placed in a harmful situation. If there was any evidence that Appellant was involved with child pornography, then the State Board of Education would be required to uphold the decision of the Local Board. Additionally, if there was any evidence, then it would have been prudent for the Local Superintendent to have suspended Appellant¹ and sought immediate termination of his contract, as well as reporting the situation to the Professional Standards Commission.

Nevertheless, mere allegations of misconduct are insufficient to terminate an employee's contract. It is only in the newspapers, on radio and television, and in public opinion that a person can be deemed guilty based upon mere allegations; in law, which we are bound to follow, guilt requires a local board of education to at least prove misconduct.

Because of the lack of any evidence to support the charges, the issue of whether a charge of "any other good and sufficient cause", standing alone, is sufficient is a moot issue. The State Board of Education, therefore, declines to address the issue at this time.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board failed to carry its burden of proof. Accordingly, the Local Board's decision is REVERSED.

This 12th day of September, 1996.

Ms. Julie D. Keeton and Mr. A. Joe McGlamery were not present. The seat for the Eleventh District is vacant.

Robert M. Brinson
Vice Chairman for Appeals

¹ Indeed, the Local Superintendent could take such action now, pending resolution of the charges.