

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JOSEPH HINTON,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2004-19
	:	
WARREN COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Joseph Hinton (Appellant) from a decision by the Warren County Board of Education (Local Board) to terminate his teaching contract because of a reduction in force under the provisions of O.C.G.A. §20-2-940(a)(6). Appellant claims that the decision to terminate his contract was arbitrary and capricious because the Local Superintendent used seniority within the elementary school where Appellant taught as the basis for determining who would be released. Appellant claims that the Superintendent should have used seniority within the school system as the basis. The Local Board's decision is sustained.

Until January 2003, Appellant taught in the Warren County middle school. In January 2003, Appellant successfully applied for a fourth grade position that became available in the elementary school.

In March 2003, the Local Superintendent initiated a reduction in force program because of the loss of some state funding. One position was eliminated in the high school, seven positions were eliminated in the middle school, and four positions were eliminated in the elementary school. The positions in the high school and the middle school were eliminated based on program areas. In the elementary school, the positions eliminated were chosen on a seniority basis with the last in being the first out. Since Appellant was one of the last people hired in the elementary school, he was notified that his position was being eliminated.

The Local Board supported the Local Superintendent's decision after conducting a hearing that was requested by Appellant. Appellant then appealed to the State Board of Education.

Appellant claims that the Local Superintendent's selection method was arbitrary and capricious because it did not consider the best interests of the students. According to Appellant, the use of a "last-in, first-out" selection method was not a rational basis for determining who should be dismissed because it does not consider teacher competency or

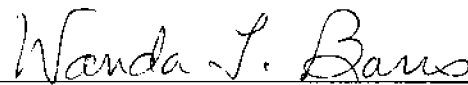
the best interests of the students. Appellant has not cited any authority for this proposition.

"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 that there was a reduction in funding and that the school district was overstaffed. Under these circumstances, the initiation of a reduction in force program was appropriate.

Appellant's claim that the use of a "last-in, first-out" selection method was not rational is without merit. The release of any employee under a reduction in force program is not dependent upon the employee's competency. The essential question is whether a reduction in force program is required. Once the necessity for a reduction in force program has been shown, a local board can adopt, or approve, any number of methods for selecting which employees will be terminated. The "last-in, first-out" method adopted by the Local Superintendent in the instant case provided an objective selection method, rational in its ease of application. The method was also rational because, as testified to by the Local Superintendent, it did not result in the shifting of personnel as would the system-wide seniority approach advocated by Appellant. It is the conclusion of the State Board of Education that the "last-in, first-out" selection method is as rational as any other approach in a reduction in force situation.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board of Education's decision was supported by the evidence and Appellant's claims are without any merit. Accordingly, the Local Board's decision is SUSTAINED.

This _____ day of December 2003.



Wanda T. Barrs
Chairperson - State Board of Education