

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ANNETTE MILES,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2005-47
	:	
FULTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Annette Miles (Appellant) from a decision by the Fulton County Board of Education (Local Board) to terminate her contract as part of a reduction in force program. Appellant claims that the Local Board failed to follow its own procedures in deciding to terminate her contract. The Local Board’s decision is sustained.

In August 2004, the Local Board decided to eliminate its Capital Programs Department and outsource the work to a private concern. Appellant held the position of Project Administrator within the Capital Programs Department. The decision to outsource was made because of the pending retirement of the program director and the desire to establish a more efficient and effective construction program. Appellant’s job was one of the positions eliminated by the outsourcing.¹

Appellant asked for a hearing before the Local Board to protest her dismissal. A tribunal appointed by the Local Board heard evidence and concluded that all of the Local Board’s policies had been followed. The Local Board adopted the tribunal’s findings and approved the recommendation to terminate Appellant’s contract. Appellant then filed her appeal with the State Board of Education.

Appellant argues that the Local Superintendent and the Local Board did not follow the Local Board’s reduction in force policy. Specifically, Appellant claims that the Local Superintendent failed to explore other options besides a reduction in force and did not establish objective, readily ascertainable, factors in deciding which positions to eliminate.

The Local Board’s policy GBKA, “Reduction in Force,” provides, in part, that:

In the event the [Local Board] decides to implement a reduction in force, it will do so in a manner that serves the best interests of the school system and causes

¹ The day after the outsourcing contract was signed, Appellant was offered a job with the private concern at the same rate of pay and with the same benefits.

minimal disruption to students. Personnel will be selected for separation based on objective, readily ascertainable factors that are applied in a fair, consistent and evenhanded manner without bias or discrimination....Before presenting the Board of Education with a proposal for a reduction in force, the Superintendent shall explore other means of addressing the problem, such as advance planning, attrition, hiring freezes and other measures.

Policy GBKA/GCKA, effective May 11, 1995.

"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). The record shows that there was evidence to support the Local Board's decision. The reduction in force proposition was studied over several months, a determination was made that outsourcing would best serve the interests of the school system and cause minimal disruption to students, a committee was appointed to establish objective, readily ascertainable factors to determine who would be selected for separation, and the process was completed without bias or discrimination.²

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board properly followed its procedures in terminating Appellant's contract due to a reduction in force. Accordingly, the Local Board's decision is
SUSTAINED.

This _____ day of July 2005.

William Bradley Bryant
Vice Chairman for Appeals

² Ultimately, all but one of twelve positions were eliminated, but three of the terminations occurred after the hearing conducted in the instant case.