

STATE BOARD OF EDUCATION

STATE OF GEORGIA

ARMA JEAN WALKER,	:	
	:	
Appellant,	:	CASE NO. 2011-24
	:	
vs.	:	
	:	
COBB COUNTY	:	
BOARD OF EDUCATION,	:	DECISION
	:	
Appellee.	:	

This is an appeal by Arma Jean Walker (Appellant) from a decision by the Cobb County Board of Education (Local Board) not to renew her teaching contract because of a reduction-in-force under the provisions of O.C.G.A. § 20-2-940(a)(6). Appellant claims that there was not a reduction-in-force because the number of students did not decrease, nor was there an elimination of any program that included her. The Local Board’s decision is SUSTAINED.

Faced with a budget deficit of more than \$100 million, the Local Board adopted a reduction-in-force program that resulted in the termination of 579 employees. The Local Board first eliminated those employees who did not have a contract. The second tier of employees to be dismissed included those who had worked less than four years. The next group included those employees who had received an unsatisfactory evaluation. Appellant received an unsatisfactory annual evaluation for the 2009-2010 school year as a second-grade teacher after being placed on a professional development plan during the year. The Local Superintendent notified Appellant that her contract would not be renewed. Appellant requested a hearing, which was granted and heard by a tribunal. The tribunal recommended against renewing Appellant’s contract and the Local Board adopted the tribunal’s recommendation. This appeal to the State Board of Education followed.

On appeal, Appellant claims that the there was no loss of students or cancellation of programs, as required by O.C.G.A. § 20-2-940(a)(6), so the entire reduction-in-force program initiated by the Local Board was improper. The record, however, shows that the school district faced a budget shortfall in excess of \$100 million, which required the elimination of several positions. In addition to the 579 teachers released because of the reduction-in-force program, another 400 teachers left the system for other reasons, such as retirement. “It is well settled that O.C.G.A. § 20-2-940(6) [sic] allows a local board to reduce staff due to budgetary reasons.” *Deru v. Cobb Cnty. Bd. of Educ.*, Case No. 2011-09 (Ga. SBE, Oct. 14, 2010). The need for a reduction-in-force is supported by the record.

Appellant also complains that her evaluation and selection for dismissal was improper. The record, however, shows that Appellant had problems throughout the 2009-2010 school year. During all of the 2009-2010 observations of Appellant, she consistently failed to obtain satisfactory ratings and she received an unsatisfactory rating during her final annual observation. The Local Board has a process in effect whereby teachers can appeal their evaluations if they disagree with them, but Appellant did not appeal any of her evaluations. Since performance was one of the elements of the reduction-in-force plan adopted by the Local Board, the record supports the non-renewal of Appellant's contract.

Based upon the foregoing and a review of the record, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision and the decision was not arbitrary or capricious. The Local Board's decision, therefore, is SUSTAINED.

This _____ day of January 2011.

MARY SUE MURRAY
Vice Chair for Appeals