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Demaree v. Fulton County School Dist.

United States Court of Appeals, Eleventh Circuit - April 8, 2013 - Slip Copy - 2013 WL 1395791

U.S. Court of Appeals finds rational basis for elimination of all school orchestra and band positions, denying Equal Protection claim.

Entire cadre of elementary school orchestra and band teachers lost their jobs during a reduction in force ("RIF") implemented by the school district. Teachers sued, alleging that the school district violated their rights under the Equal Protection Clause of the United States and Georgia Constitutions.

The RIF described a five-step analysis considering factors of performance and tenure. The positions of elementary orchestra and band school teachers, however, were not eliminated through this five-step analysis. Instead, the school district voted to non-renew all elementary band and orchestra teachers because those positions were deemed "non-essential" functions. These positions were described as "programs/functions eliminated."

One group besides elementary orchestra and band teachers was also placed in the "programs/functions eliminated" - Grades 1 through 3 paraprofessionals. However, the 165 Grades 1 through 3 paraprofessionals were not eliminated as a group like the elementary orchestra and band teachers; rather, they were analyzed through the five-step RIF process. This resulted in some of the Grades 1 through 3 paraprofessionals' continued employment in other paraprofessional positions.

Plaintiffs alleged that they were similarly situated with the Grades 1 through 3 paraprofessionals and that the school district had no rational basis for treating the two groups differently.

"Because Plaintiffs have failed to meet their burden of negating 'every conceivable basis which might support' the RIF's classification, the district court did not err in rejecting their Equal Protection claim."