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EMPLOYMENT - SOUTH DAKOTA

Huth v. Beresford School District # 61-2

Supreme Court of South Dakota - May 29, 2013 - N.W.2d - 2013 S.D. 39

Teacher appealed from decision of the board of education, which did not renew her contract for the upcoming school year as a part of a reduction-in-force.

The Supreme Court of South Dakota held that school board's decision to eliminate teacher's position was not arbitrary, capricious, or an abuse of discretion.

On appeal, the Supreme Court considers the legality, and not the propriety, of the school board's decision. Determination of legality is a two-pronged process: (1) whether the school board acted legally, and in assessing this first prong, the court considers whether the proper procedural requirements were followed; and (2) whether the school board's decision was arbitrary, capricious, or an abuse of discretion.

School board's decision was not arbitrary, capricious, or an abuse of discretion as there was no connection between teacher's grievance and the determination not to renew her contract. The issue in teacher's grievance related to her coaching position from which she had resigned. The superintendent based his staff reduction recommendations on student needs and program activities, and he stated that the other fifth-grade teachers had more teaching endorsements and were more involved in extracurricular activities than teacher.

Arbitrary or capricious decision by school board is one that is based on personal, selfish, or fraudulent motives, or on false information, and is characterized by a lack of relevant and competent evidence to support the action taken.