

Bond Case Briefs

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EMPLOYMENT - ARKANSAS

Proctor v. Cabot School Dist.

Court of Appeals of Arkansas - May 29, 2013 - Not Reported in S.W.3d - 2013 Ark. App. 366

School principal appealed the circuit court's decision to affirm the termination of her employment, citing the Teacher Fair Dismissal Act.

The Teacher Fair Dismissal Act requires just and reasonable cause that is not arbitrary or capricious in support of a teacher's termination. The Act provides that a teacher's termination by a school district shall be void unless the school district substantially complies with the provisions of the Act and the school district's applicable personnel policies. The decision to terminate a teacher pursuant to the TFDA is a matter within the discretion of the school board, and the reviewing court cannot substitute its opinion for that of the school board in the absence of an abuse of that discretion.

The circuit court used, as a rational basis for support of appellant's termination, facts gathered from testimony that appellant (1) was in fact absent, (2) knew there would be no administrator in the building on two of the three days she would be absent due to her having previously granted permission to the assistant principal to be absent on those days, (3) had formerly complied with the prior-approval requirement, and (4) knew the policy existed. Therefore, the appeals court could not find the circuit court's decision to be clearly erroneous and affirmed.