

Association of Texas Professional Educators

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Education commissioner rules in favor of terminated ATPE members

AUSTIN — A Texas school district has been ordered to rehire four employees it had wrongfully terminated after Texas Commissioner of Education Robert Scott issued a ruling July 5 that found that the district's decision not to renew the employees' contracts due to a reduction in force (RIF) was "arbitrary and capricious."

The employees, all members of the Association of Texas Professional Educators (ATPE), appealed the RIF in May.

"It feels wonderful to have fought for my rights as an educator, but this should have never happened in the first place," said Aloysius Cooper, one of the employees terminated.

Cooper said he wondered what he did wrong when he learned his contract was not renewed. He had been employed with Killeen ISD for 15 years and has worked as an academic adviser with the district. He's also certified as a principal and teacher for first through sixth grade.

"I didn't know what I was going to do. I had been interviewing for assistant principal jobs, and it's been stressful," Cooper said. "Now, I feel like I at least have the option of returning to my position and to do what I need to do to help students be successful. That's the bottom line."

Scott's decision orders Killeen ISD to reinstate the employees and to pay them any back pay as well as employment benefits from the time their contracts were not renewed. Scott recognized that instead of reinstating these educators, the district can, under state law, choose to pay one year's salary from the date they would have been rehired.

Attorney Rick Arnett, who represented the four Killeen ISD employees terminated in this case, said the district's board violated its local RIF policy by allowing principals to select "less favored or disfavored employees for termination and to avoid any duty to place them in open positions" for which they were qualified.

"It's very disappointing to see a school district engage in such clear violations and incur substantial and unnecessary costs to all concerned at a time when budgets are being reduced," Arnett said. "Hopefully, school districts will recognize that unnecessary and misguided reductions in force will be opposed and are ultimately harmful to the education of students. We are reassured by the commissioner's adherence to longstanding

principles protecting teachers' rights in circumstances involving reductions in force and his refusal to permit districts to violate those rights.”

Arnett said ATPE and its counsel have defended a number of RIF actions this spring.

“As far as we know, the Killeen cases are the first to be appealed to the commissioner. Under the current political climate, we believe there may be more situations next spring in which districts decide they need to reduce staff,” Arnett said. “In this environment, we felt it was critically important to establish that districts would not be permitted to ignore logic, law and fundamental fairness in the process.”

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The 116,000-member Association of Texas Professional Educators is the largest educators' group in Texas and the largest nonunion educators' group nationwide. Its membership consists of classroom teachers, para-educators, administrators, college students and retired educators. ATPE is committed to advocating for better benefits for all educators, promoting a collaborative work environment and the right of educators to choose the association they feel represents their interests, and providing the best education possible for all Texas school children.