

Category: 7000 PERSONNEL	Policy Number: 7144 (Page 1 of 3)
Policy Title: Reduction in Force Regarding Certificated Employees	Effective Date: January 13, 2016

A reduction in force may occur when the board, at its sole discretion, determines that it is in the best interest of this district to reduce the number of contracted certificated employees for reasons including but not limited to a financial emergency, decrease in enrollment, changes in curriculum, reorganization, or consolidation. Nothing herein will prohibit the board from eliminating particular courses or portions or all of an educational program, or otherwise restructuring the course offerings to meet the educational needs of the students.

If the board determines that it is necessary to reduce the number of certificated staff members, the board will affect the reductions by implementing this policy after having attempted to reduce the staff to a desired number through attrition and/or reassignment of personnel in good standing with the school district.

In implementing this reduction in force policy, the decision as to which employee or employees will be subject to such reduction will not be made solely on consideration of employee seniority or contract status. Eligible veterans or preference eligible individuals will be given preference for any existing position that is not eliminated, excluding key employee positions. Preference provides for additional consideration by the district, but it does not guarantee the eligible veteran or preference eligible individual a job.

DEFINITIONS

“Good standing” means that the employee is not currently subject to informal or formal plans of improvement, probation, or discipline or on unpaid involuntary administrative leave.

“Reduction in force” means the temporary suspension or permanent termination of employment of an employee or group of employees for business reasons (e.g. certain positions are no longer necessary or due to financial constraints).

Veterans

“Disabled veteran” means those veterans separated under honorable conditions who:

1. Qualify as disabled veterans because they have served on active duty in the armed forces and have a current service-connected disability of ten percent (10%) or more, or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the department of veterans affairs; or
2. Are Purple Heart recipients.

“Eligible veteran” means veterans and disabled veterans as defined in this policy and Section 65-502, Idaho Code.

“Key employee” means an individual specifically hired for an “at will” position that is not a civil service position and where:

1. The position requires an advanced degree and the exercise of independent judgment for a majority of the public employee’s duties;
2. The primary duty of the position is the management of a department or subdivision of the public employer and the position requires the exercise of independent judgment for a majority of position duties;

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3. The primary duty of the position is administrative work arising from the management of a department or subdivision of the public employer or administrative work arising from the exercise of the duties of an elected official and the public employee holds a confidential relationship to the appointing or employing officer or elected official; or
4. The primary duty of the position is to provide advice or consultation to an elected official and the public employee holds a confidential relationship to the elected official.

“Preference eligible” means an individual eligible for preference under Section 65-503, Idaho Code, or as follows:

1. Veterans and disabled veterans as defined in this policy and Section 65-502, Idaho Code;
2. A widow or widower of any veteran as long as he or she remains unmarried;
3. The wife or husband of a service-connected disabled veteran if the veteran cannot qualify for any public employment because of a service-connected disability.

“Service-connected disability” means the veteran is disabled due to injury or illness that was incurred in or aggravated by military service as certified by the federal veterans administration or an agency of the Department of Defense.

“Veteran” means any person who has been discharged or released from active duty in the armed forces under honorable conditions and has:

1. Served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952 and ending July 1, 1955;
2. Served on active duty as defined in 38 U.S.C. Section 101(21) at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976, not including service under 10 U.S.C. Section 12103(d) pursuant to an enlistment in the army national guard or the air national guard or as a reserve for service in the army reserve, naval reserve, air force reserve, marine corps reserve, or coast guard reserve;
3. Served on active duty as defined in 38 U.S.C. Section 101(21) in the armed forces during the period beginning on August 2, 1990 and ending on January 2, 1992; or
4. Served as may be further defined in 5 U.S.C. Section 2108.

RETENTION

Retention will not be based solely on seniority or contract status. Staff retention will be based on a review of relevant factors including, but not limited to, highly qualified status, certification(s), endorsement(s), leadership roles in the school/district, effectiveness in the classroom, master teacher status, and graduate education degree(s), as well as eligible veteran or preference eligible status. Employees subject to reduction in force under this policy will be presumed to have been performing satisfactorily.

The board may terminate a Category 1 employee in the event of a reduction in force at the end of the contract term. A Category 1 employee is not entitled to a probationary period, notice, or a review by the board of the decision to not reemploy the individual.

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The board may terminate a Category 2 employee in the event of a reduction in force at the end of the contract term. A Category 2 employee will be provided with written notice by the board setting forth the reasons for non-reemployment on or before July 1, but is not entitled to a probationary period or a review by the board of the decision to not reemploy the individual.

The board may terminate a Category 3 employee in the event of a reduction in force at the end of the contract term. A Category 3 employee will be provided with written notice by the board setting forth the reasons for non-reemployment on or before July 1, but is not entitled to a probationary period. Upon written request, the employee will be given an opportunity for an informal review by the board as set forth in Policy No: 7155, Informal Review Procedure for Certificated Employees.

The board may terminate a renewable contract employee in the event of a reduction in force at the end of the contract term. The employee will be provided with written notice by the board setting forth the reasons for non-reemployment on or before July 1, but is not entitled to a probationary period. The board will hold a single formal review for all impacted employees as set forth in Section 33-513, Idaho Code, and Policy No. 7130, Discharge of Certificated Employees.

RANKING OF EMPLOYEES

The district will utilize the process found in 7144 p in determining who will be subject to a reduction in force.

RECALL RIGHTS

Any renewable contract employee laid off pursuant to this policy will have recall rights for three (3) calendar years from the effective date of the layoff. Such recall rights or opportunities will occur in the reverse order of the layoff. When the district determines that a position is available for which an individual is qualified, the district will attempt to contact the former employee for a period of seven (7) calendar days by person and/or certified mail. The employee will have ten (10) calendar days after being contacted to accept or reject, in writing, the contract offer. If the district is unsuccessful in contacting the employee during the seven (7) calendar days, or if the employee rejects the contract offer, the employee forfeits any future recall rights and the district will offer the position to the next qualified person on the recall roster. It will be the responsibility of each former employee on the recall roster to provide a current mailing address, place of residence, and telephone number, or other means by which to contact the former employee.

The recalled employee will return with no loss of prior service credit placement on the current salary schedule. Any employee who has been recalled is entitled to credit on the salary schedule for any contracted teaching experience gained during the layoff and for additional college course work completed.



LEGAL REFERENCE:

Idaho Code Sections

33-513 – Professional Personnel

33-514 – Issuance of Annual Contracts – Support Programs – Categories of Contracts – Optional Placement

33-515 – Issuance of Renewable Contracts 33-522A – Reduction in Force

65-501, *et. seq.* – Rights and Privileges of Veterans

Baker v. Independent School District, 107 Idaho 608 (1984)

ADOPTED: 05/18/2011

AMENDED: 01/13/2016

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Policy Title: CERTIFICATED PERSONNEL - REDUCTION IN FORCE	Effective Date: January 13, 2016

The following definition and procedures shall be used for conducting a Reduction in Force.

Definition

As used in this policy, “teacher” shall apply to any employee of the District who holds a certificate issued by the State Board of Education who is employed in a teaching or administrative position, below the rank of Superintendent.

Procedures

1. Prior to commencing action to terminate teacher contracts under these procedures, the Board will give due consideration to its ability to effectuate position elimination and/or reduction in staff by:
 - a. Voluntary retirements
 - b. Voluntary resignations
 - c. Transfer of existing staff members
 - d. Voluntary leaves of absence

2. In the event a Reduction in Force is required, teachers who are retained pursuant to these procedures may be reassigned if suitable position openings are available in instructional areas for which they are Highly Qualified and for which the principal has approved transfer pursuant to Idaho Code.

3. In the Board’s determination as to the individuals to be released pursuant to the Reduction in Force consideration will be given to the criteria set out below. Each criterion shall be considered in terms of the total context when selecting those employees who are to be considered for release pursuant to the provisions of these procedures. The following criteria will be considered:
 - a. Area(s) of certification for which the teacher is Highly Qualified which are classified by the District as Hard to Fill positions
 - b. Number of areas of certification for which the teacher is Highly Qualified
 - c. Educational/Degree Status
 - d. National Certifications Held
 - e. Position as a Head or Master Teacher within the District
 - f. Whether or not the teacher is Highly Qualified in a course necessary for High School Graduation requirements
 - g. Whether or not the teacher is Highly Qualified in a course necessary for middle school advancement
 - h. Contribution and/or involvement in extra-curricular or co-curricular positions with students
 - i. Compliance with Professional Standards and Conduct over the course of employment with the District
 - j. Teacher evaluation, including components required by Idaho Code to be encompassed in teacher evaluation

It is the intent of the Board that the individual and cumulative effect of each criterion on the welfare of students and the best long-term and short-term interest of the District be considered.

It is further the intent of the Board that primary consideration be the quality of instruction and the progress that students are making throughout the course of the school year as well as properly endorsed Highly Qualified instructors to be in classroom positions in order for the District to be compliant with federal and state education requirements. Thus, each criterion shall be considered in terms of this total context.

The factors for consideration shall be reviewed on an annual basis by the District’s Administration to determine whether factors should be added, eliminated, or weighted differently. Such recommendations for modification will then be brought before the Board for consideration.

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4. Upon receipt of this notification, it is recommended that the subject teachers review their personnel file materials with the District's Administrative Office to assure that the school has appropriate information relating to the various criteria referenced above.
 - a. If a teacher receiving a Teacher Profile believes that there is an error, the teacher shall notify the District's Administrative Office of their concern of an error, in writing, by the close of the school day on the 8th school day after the teacher has received notice of the possible Reduction in Force.
 - b. This written notice shall specifically identify what element or elements of the teacher's personnel file and criteria are believed to be erroneous and explain specifically why the element(s) is believed to be in error.
 - c. If the District receives notice of possible error, each such written notice, timely received, shall be individually reviewed for possible reconsideration or evaluation of the information used in consideration of the Reduction in Force.
 - d. Should a teacher fail to inspect their personnel file and have inaccurate information in their personnel file and/or have failed to provide the District with updated information, the information contained in the file will be utilized for the Reduction in Force determination and the teacher will not have the opportunity to subsequently correct such information after the Reduction in Force has been implemented.
5. If the Board determines that a Reduction in Force in fact will be implemented, the Superintendent shall submit a list of the teachers recommended for release, through use of the above process, and shall make recommendation to the Board as to what due process, if any, the Board needs to implement for each individual personnel situation.
6. All releases shall be done in conformance with the applicable provisions of Idaho Code and all affected teachers will be promptly notified, in writing, of the Board's decision or actions that need to be taken by the Board relating to applicable due process activities, if any.
7. Recall Provisions - If the contract of employment of a teacher is terminated because of the implementation of a Reduction in Force, the name of the teacher shall be placed upon a reappointment list and remain on such list for a period of three (3) year(s).

If a position becomes open during such period, and the teacher has been selected by the Board as a person on the recall list who is Highly Qualified and most capable of holding the position, then the teacher will be notified in writing by certified mail, sent to the last known address, at least thirty (30) days prior to the anticipated date of employment, when possible.

In determining whether a teacher is qualified for reappointment, the Board shall consider the criteria as set forth in these procedures. The teacher shall accept or reject the appointment in writing within ten (10) days after receipt of such notification. If the appointment is accepted, the teacher shall receive a written contract within twenty (20) days of receipt of the teacher's reply by the Board. If the teacher rejects the appointment offer or does not respond according to this procedure within ten (10) days after receipt of such notification, the name of the teacher will be removed from the recall list.

Legal Reference: § I.C. 33-514 Issuance of Annual Contracts
 § I.C. 33-515 Issuance of Renewable Contracts
 § I.C. 33-522 Reductions in Force
 § I.C. 33-523 Principals to Determine New Staffing