Policy 5740P1 – Reduction in Force Procedures

~~**[OPTIONAL POLICY: This policy mainly describe practices that are not required, but which may be of use to the Board.]**~~

~~5740PA1~~
~~Alternative 1~~

~~As used in this procedure, "teacher" means 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.~~

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; or~~
   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~~ ~~**[OPTIONAL: for which they are highly qualified and]**~~ ~~for which the principal has approved transfer pursuant to Idaho Code.~~

3. ~~When determining which individuals will be released pursuant to the Reduction in Force, the Board will consider 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. ~~**[OPTIONAL: Area(s) of certification for which the teacher is highly qualified which are classified by the District as hard to fill positions;]**~~
   B. ~~The positions classified by the District as hard to fill that the teacher is certified and qualified to fill;~~
   C. ~~Number of areas **[SELECT ONE: in which the teacher is certified OR of certification for which the teacher is highly qualified]**;~~
   D. ~~Educational or degree status;~~
   E. ~~National certifications held;~~
   F. ~~The teacher's status as a lead **[OPTIONAL: or master]** teacher within the District;~~

G. Whether the teacher is **[SELECT ONE: highly qualified in OR certified to teach]** a course necessary for high school graduation requirements
H. Whether the teacher is **[SELECT ONE: highly qualified in OR certified to teach]** a course necessary for middle school advancement;
I. Contribution and/or involvement in extracurricular or co-curricular positions with students;
J. Compliance with Professional Standards and Conduct over the course of their employment with the District; and
K. The teacher's evaluation, including components required by Idaho Code to be included in teacher evaluations.

The Board will consider 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.

The Board will give primary consideration to the quality of instruction and the progress that students are making throughout the course of the school year, as well as that properly endorsed, **[OPTIONAL: highly qualified]** instructors be in classroom positions in order for the District to be compliant with federal and State education requirements. Thus, all criteria shall be considered in terms of this total context.

The factors for consideration shall be reviewed periodically 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.

4. The Human Resources Department shall advance notice of the possible reduction in force to all teachers who may be released, based upon the number of teachers who may be released, in whole or in part, and the school programs, teacher positions, or categories of positions that may be affected.

5. 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 Human Resources Department of their concern of an error, in writing, by the close of the school day on the _____ 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 a 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.

6. If the Board determines that a reduction in force 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.

7. 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 and actions that need to be taken by the Board relating to applicable due process activities, if any.

[OPTIONAL]

8. **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 ____ 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 [OPTIONAL: 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 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 set forth in these procedures. The teacher shall accept or reject the appointment in writing within seven days after receipt of such notification. If the appointment is accepted, the teacher shall receive a written contract within 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 seven days after receipt of such notification, the name of the teacher will be removed from the recall list.~~

5740PA2
Alternative 2

As used in this procedure, “teacher” means 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.

1. Prior to commencing action to terminate teacher contracts under this procedure, 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; or
    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 ~~**[OPTIONAL: for which they are highly qualified and]**~~ for which the principal has approved transfer pursuant to Idaho Code.

3. When determining which individuals will be released pursuant to the reduction in force, the Board will consider 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. **[OPTIONAL: Area(s) of certification for which the teacher is highly qualified which are classified by the District as hard to fill positions;]**~~
    B. The positions classified by the District as hard to fill that the teacher is certified and qualified to fill;
    C. Number of areas **[SELECT ONE: in which the teacher is certified ~~OR of certification for which the teacher is highly qualified]~~;**
    D. Educational or degree status;

~~E. National certifications held;~~
~~F. The teacher's status as a lead **[OPTIONAL: or master]** teacher within the District;~~
G. Whether the teacher is ~~**[SELECT ONE: highly qualified in OR**~~ **certified to teach**~~**]**~~ a course necessary for high school graduation requirements;
H. Whether the teacher is ~~**[SELECT ONE: highly qualified in OR**~~ **certified to teach**~~**]**~~ a course necessary for middle school advancement;
I. Contribution and/or involvement in extracurricular or co-curricular positions with students;
J. Compliance with Professional Standards and Conduct over the course of their employment with the District; and
K. The teacher's evaluation, including components required by Idaho Code to be included in teacher evaluations.

The Board will consider each of the above criteria be given a point value for consideration in the implementation of this reduction in force. The appended chart, which is adopted and incorporated as part of these procedures, identifies the specific point values for each of these areas of consideration.

For each teacher subject to reduction in force consideration based upon the Board's method of implementation, a teacher profile shall be developed by the Human Resources Department, applying the criteria to each respective teacher.

The factors for consideration shall be reviewed periodically 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.

4. The Human Resources Department shall advance notice of the possible reduction in force to all teachers who may be released, based upon the number of teachers who may be released, in whole or in part, and the school programs, teacher positions or categories of positions that may be affected.

5. With this notification, the Human Resources Department shall provide a copy of the teacher's profile, utilizing the established point system, and the steps a teacher should take if they believe that there is an error in their individual teacher profile.

6. If a teacher receiving a teacher profile believes that an error has been made on their individual profile, the teacher shall notify the Human Resources Department of their concern of an error, in writing, by the close of the school day on the third school day after the teacher profile has been delivered to the teacher or the teacher's mailbox or emailed to the teacher. This written notice shall specifically identify what element or elements of the teacher profile are believed to be

erroneous and explain specifically why the element(s) is believed to be in error.

7. If the Human Resources Department receives notice of possible error, each such written notice, timely received, shall be individually reviewed for possible reconsideration or evaluation of the information used to create the Teacher Profile. This may include a member of the administration communicating directly with the teacher to obtain more information or documentation relating to the alleged error.

    A. If the Human Resources Department determines that an error was made in completion of the teacher profile, a new profile will be created and forwarded to the teacher in question.

    B. If the Human Resources Department determines that no error was made in completion of the teacher profile, the teacher shall be notified of this determination.

    C. The teacher shall have a period of three school days to file written notice of an appeal of this decision to the District's Superintendent. Thereafter the Superintendent or the Superintendent's designee shall review the dispute, in whatever manner the Superintendent or designee deems appropriate for the circumstance, and make a final decision on the issue of the appeal and alleged error in the teacher profile.

8. 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.

9. 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 and of actions that need to be taken by the Board relating to applicable due process activities, if any.

~~[OPTIONAL]~~

10. **~~Recall Provisions: If the contract of employment of a teacher is terminated because of the implementation of these reduction in force procedures, the name of the teacher shall be placed upon a reappointment list and remain on such list for a period of ____ 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 [OPTIONAL: 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 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 set forth in this policy. The teacher shall accept or reject the appointment in writing within seven days after receipt of such notification. If the appointment is accepted, the teacher shall receive a written contract within 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 seven days after receipt of such notification, the name of the teacher will be removed from the recall list.~~

Legal References:

Legal References	Description
IC § 33-514	Issuance of Annual Contracts – Supports Programs – Categories of Contracts – Optional Placement
IC § 33-515	Issuance of Renewable Contracts
IC § 33-522	Financial Emergency
IC § 33-522A	District Trustees - Reduction in Force

Adopted:
Revised:
Reviewed: