

4-106.A

REGULATION

PROFESSIONAL STAFF REDUCTION IN FORCE

(Meet and Confer Recommendation)

This regulation establishes the process and procedures for implementation of a reduction in force ("RIF") for certificated and other professional staff in order to effectuate economies in the operation of the District or to improve the efficient conduct and administration of District schools and programs.

Definition of Reduction in Force

For purposes of this regulation, a *RIF* is defined as a decrease in the number of certificated and/or professional staff positions. A *RIF* may occur in situations which include, but are not limited to, the following:

- A. Decreases in student enrollment or reduced student demand for or participation in programs or activities;
- B. Decreases in revenue due to:
 - 1. decreased student enrollment;
 - 2. loss or reduction of tax revenues;
 - 3. reduction of state, local, or federal financial support; or
 - 4. reduction in the value of revenues received or significant increasing costs of operation due to inflation;
- C. Changes in the educational program of the District;
- D. Consolidation or de-consolidation involving the District;
- E. Court orders;
- F. Legislative mandates; or

G. Unanticipated financial or programmatic exigencies identified by the Superintendent which warrant initiation of a RIF process.

Initiation of Reduction in Force Plan

Where the Superintendent determines that the fiscal and other considerations described above necessitate a reduction in force, the Associate to the Superintendent will prepare a Reduction in Force Plan ("the Plan") for presentation to the Board. The Plan shall focus upon the total educational program of the district and how it may be modified to reduce costs, programs and personnel while still providing the educational program required of school districts and meeting the particular educational needs of the students of the District. Where circumstances warrant, the Plan may focus on particular programs, departments, school sites, content areas or activities if the cause(s) for the RIF predominately impact(s) limited aspects of the educational program.

The Plan shall include, but need not be limited to, the following:

- A. A detailed description of the cause(s) necessitating a RIF;
- B. A description of other measures, if any, already implemented to avoid or minimize a RIF (e.g., reduction by attrition, district initiated transfers, etc.);
- C. A designation of the part(s) of the total educational program or particular program or activity in which the RIF is unnecessary and the number of positions to be reduced in each program or activity; and
- D. A timetable for the implementation of the RIF.

Following Governing Board approval of the Plan, it shall be made available to all staff and the public through posting on the District's website.

Personnel Study Based upon Staff Profiles

If a RIF plan is adopted by the Board, the Human Resources Department shall perform a study of the District's personnel to determine those staff members who must be wholly or partially discharged in order to implement the plan. In performing the study, the Human Resources Department shall utilize a Staff Profile Form ("the Profile form") which will include a point scale using the following criteria:

- A. The employee's disciplinary history (letters of reprimand and suspensions without pay) within the three (3) calendar years preceding the date of the Governing Board's approval of the Plan;
- B. the employee's evaluations for the two (2) preceding school years (as applicable) with the understanding that A.R.S. §[15-537](#) requires teacher evaluations to include quantitative data on the academic progress for all students that accounts for between twenty percent and thirty-three percent of the evaluation outcomes;
- C. the employee's certification(s) ADE-approved area(s)/endorsement(s) for grade levels and/or content areas in which the employee is willing to be employed;
- D. the employee's previous (prior to the fiscal year in which the Plan is implemented) professional experience both within and outside of Arizona;

The Profile Form will only be completed by personnel in those schools, departments, or programs where a RIF is necessary. The Human Resources Department will ensure that staff members have opportunity for input into the data contained on their Profile Form and that staff members receive a copy of their finalized Profile Form.

Requests for Review and Revision of Staff Profiles

An employee may request review and revision of the employee's Finalized Profile Form by delivering a written request to the Associate to the Superintendent on or before 5:00 p.m. of the third (3rd) business day following the employee's receipt of the Finalized Profile Form from Human Resources. The request for review must specifically explain the element or elements of the Profile believed to be erroneous.

A request for revision of Staff Profiles will be reviewed and determined by the Associate to the Superintendent or designee within two (2) business days of receiving the request. The Associate to the Superintendent or designee may conduct a meeting with the staff member before rendering a decision or may make a determination on the basis of the written materials. The decision will be in writing.

Application of RIF Using Staff Profile Data

If reduction of staff within a site, department or program is still required after

first taking into account all factors of attrition, staff members from the affected site, department or program will be selected for the RIF based upon Staff Profile data. The selection shall be based upon the total point values on the staff profile form, lowest to highest, unless the consequence of such action would have a serious and detrimental effect on the total educational program. In such event, a staff member with a higher point total on the staff profile form may be selected for RIF, provided the principal or other supervisor submits written justification that such action is in the best interests of the District, school or program. The written justification and Staff Profile forms for the personnel involved shall be available for review by the person identified for RIF.

Staff selected for RIF shall be notified of their RIF status within five (5) working days and shall be provided notice of the effective date of the RIF.

Transfer or Reassignment

Following a staff member's selection for a RIF, but prior to the effective date of the RIF, the staff member will be eligible for placement in positions which become available in other schools, departments or programs for which the staff member is highly qualified. Staff members will be placed in positions for which they are highly qualified based upon their total point values as shown on the staff profile form which led to their selection for RIF.

Where more than one (1) staff member who has been selected for RIF is appropriately certified for the same position, the staff member with the highest point value shall be offered the position first. Where multiple staff members are appropriately certified for a position and share common total point values under the staff profile form, placement into the vacant position shall be determined through an interview and selection process.

A staff member who has been selected is responsible for keeping the Human Resources Department informed of his or her current contact information. If the District offers a position to a staff member and the staff member declines or fails to accept the position offer within three (3) working days, the District will have no further obligation to offer the staff member placement in any other positions, but the staff member may apply for and will be considered for additional positions.

Recall of Staff Affected by RIF

For a period of three (3) years after the effective date of the RIF of any staff member pursuant to this regulation, the District shall offer to such person any position(s) which becomes available for which such person is licensed and qualified, provided that such person has complied with the requirements

specified below.

A. Every person affected by RIF under Policy GCQA and this regulation who wishes to be considered for recall must file with the Superintendent, within thirty (30) days after the effective date of the RIF, a written statement indicating a desire to be considered for recall and providing an address at which the person may be contacted. Such person must notify the Superintendent of any change in address within ten (10) days after changing residences in order to insure proper notification in the event of a recall.

B. In the event that more than one (1) interested person who was subject to a previous RIF is highly qualified for a position(s), the persons shall be recalled based upon their relative total point values as determined by the Staff Profile Form completed at the time of their RIF, in order of highest to lowest points.

C. Any person selected for recall hereunder shall receive written notification of the recall, by certified mail, at the address they last provided to the District. The recalled person must accept the position offered through recall in writing. Such acceptance must be received in the Superintendent's office within seven (7) calendar days after mailing of the recall notice to the person. Rejection of the offer, or failure to timely respond, shall result in forfeiture by the recalled person of any further recall rights. Thereafter, an offer of recall will be made to the next person qualified to be recalled, or if there is none, the position will be filled by another qualified applicant.

D. Any person recalled pursuant to this policy shall have all accrued but unpaid sick leave restored and be given credit for all years of previously credited service for salary purposes.

E. After the three (3)-year recall period has expired, any person discharged or terminated under Policy GCQA and this regulation shall no longer have any right to be recalled. Such persons who wish to be re-employed thereafter shall file applications for employment and will be treated as would any other applicant for a vacant position.

Requirement of Recent Experience for Transfer/Reassignment or Recall

For purposes of this regulation, if the staff member affected by a RIF has not actually had experience in the other position which is vacant during any part of the preceding five (5) school years, the staff member shall not be considered qualified for transfer or reassignment to the other position.