

3.4—LICENSED PERSONNEL REDUCTION IN FORCE

SECTION ONE

The Board acknowledges its authority to conduct a reduction in force (RIF) when a decrease in enrollment or other reason(s) make such a reduction necessary or desirable. -A RIF will be conducted when the need for a reduction in the work force exceeds the normal rate of attrition for that portion of the staff that is in excess of the needs of the District as determined by the Superintendent.

In effecting a reduction in force, the primary goals of the District shall be the best interests of the students, maintenance of accreditation in compliance with the Standards for Accreditation of Arkansas Public Schools, and the needs of the District. A reduction in force will be implemented when the Superintendent determines it is advisable to do so and shall be effected through non-renewal, termination, or both. Any reduction in force will be conducted by evaluating the needs and long- and short-term goals of the District, and by examining the staffing of the District in each licensure area and/or, if applicable, specific grade levels. ~~A RIF leave status will not continue beyond two years unless the leave status is extended by Board action.~~

If a reduction in force becomes necessary in a licensure area or specific grade level(s), the RIF shall be conducted for each licensure area and/or specific grade level on the basis of each employee's points as determined by the schedule contained in this policy. The teacher with the fewest points will not be recommended for renewal or will be terminated first. There is no right or implied right for any teacher to "bump" or displace any other teacher except when permitted by policy 8.30. It is each teacher's individual responsibility to ensure their point totals are current in District files.

Points

- Most recent summative evaluation rating (If the employee has not received a summative evaluation at the District, the district where the employee was employed prior to the District shall be contacted for the employee's most recent summative evaluation:
 - 4 points—Received a "highly effective" rating
 - 3 points – Received a "effective" rating
- Holds a license along the teacher career continuum:
 - 2 point – Lead Professional Educator license
 - 3 points – Master Professional Educator License
- Graduate degree in any area of licensure in which the teacher will be ranked (only the highest level of points apply)
 - 1 point—Master's degree
 - 2 points—Master's degree plus thirty additional hours
 - 3 points—Educational specialist degree
 - 4 points—Doctoral degree
- National Board of Professional Teaching Standards certification—3 points
- Additional academic content areas of endorsement as identified by the State Board—1 point per area
- Licensure for teaching in a State Board identified shortage area—2 points
- Multiple areas and/or grade levels of licensure as identified by the State Board —1 point per additional area or grade level as applicable. For example, a P-4 license or a 5-8 social studies license is each worth one point.

When the District is conducting a RIF, all potentially affected teachers shall receive a listing of licensed personnel with corresponding point totals. Upon receipt of the list, each teacher has ten (10) working days within which to appeal their assignment of points to the superintendent whose decision shall be final. Except for changes made pursuant to the appeals process, no changes will be made to the list that would affect a teacher's point total after the list is released.

A teacher with full licensure in a position shall prevail over a teacher with greater points but who is lacking full licensure in that subject area. "Full licensure" means an initial, or standard, non-contingent license to teach in a subject area or grade level, in contrast with a license that is provisional; temporary; conditional on the fulfillment of additional course work or passing exams or any other requirement of the Division of Elementary and Secondary Education, other than the attainment of annual professional development training; or teaching under a waiver from licensure.

In the event of a tie between two (2) or more employees, the employee(s) shall be retained based on the following:

1. An employee with a summative rating of "highly effective" shall be retained over an employee with a summative rating of only "effective".
2. If both employees have the same summative rating, the employee whose name appears first in the Board minutes to be hired shall be retained.

Pursuant to any reduction in force brought about by consolidation or annexation and as a part of it, the salaries of all teachers will be brought into compliance, by a partial RIF if necessary, with the receiving district's salary schedule. Further adjustments will be made if length of contract or job assignments change. A partial reduction in force may also be conducted in conjunction with any job reassignment whether or not it is conducted in relation to an annexation or consolidation.

Recall

For a period of up to two (2) years from June 30 of the year an employee was not renewed or was terminated under this policy, a teacher who is non-renewed was not renewed or was terminated from a 1.0 full time equivalent (FTE) position under this policy shall be offered an opportunity to fill any 1.0 FTE position vacancy that the employee is required to hold a license as a condition of employment and that the employee is qualified by virtue of education, license, or experience, as determined by the job requirements developed by the superintendent or designee.

A teacher shall not have the right to be recalled to a licensed position that is less than a 1.0 FTE, has less authority or responsibility, or that has a lower compensation level, index or stipend. No right of recall shall exist for the elimination or reduction of a stipend, or a reduction in contract length. No teacher shall have any right to be recalled to any position that is for a longer contract period, has greater authority or responsibility, is for greater than the former FTE, or that is at a higher compensation level, index or stipend.

Recall of employees under this policy shall be in the reverse order of that used to determine the employees that would be RIFed (i.e. the teacher with the highest points will be recalled first and the teacher with the lowest points will be recalled last). Notice of vacancies shall be by first class mail to all teachers reasonably believed to be both qualified for and subject to rehire for a particular position and the teachers shall have ten (10) working days from the date the notification is mailed to conditionally accept the offer of a position, with the actual offer

going to the qualified teacher with the most points who responds within the ten (10) day time period. A lack of response, as evidenced by a teacher's failure to respond within ten (10) working days, or a teacher's express refusal of a position or an employee's acceptance of a position but failure to sign an employment contract within two (2) business days of the contract being presented to the employee shall constitute a rejection of the offered position and shall end the district's obligation to rehire the teacher RIF'ed under this policy. No further rights to be rehired because of RIF shall exist.

SECTION TWO

The selection of

A. In the event the district is involved in an annexation or consolidation, teachers to be recommended for reduction in force from all the districts involved will be made by the Superintendent on the basis of the criteria and priorities listed below:

1. Seniority—Reductions will be accomplished by layoffs of the least senior staff members in the identified areas of certification; provided, however, that teachers in their first, second, or third year of teaching experience in the District will be maintained on a separate seniority list and will be considered as the least senior members for purpose of layoff;
2. Professional Training—If two or more persons have the same seniority and certification area status, reduction will be determined by educational attainmentranked in accordance with horizontal salary schedule placement. Those to the right will be considered the most senior;
3. A person certified in more than one teaching area will be given precedence if seniority status and professional training are equal. A staff member involved in staff reduction may, if all other employment attributes are equal, exercise seniority and displace or place on layoff the teacher with the least seniority in the District performing in the same assignment or assignment for which the teacher is certified, provided that the teacher agrees to acquire three college hours of credit in the designated certification area during the summer terms; and

If seniority, educational placement, and certification of two or more employees are the same, reduction will be accomplished by selecting the one with the most experience in the District. The date of hire by the board of an annexed or consolidated district shall be used to settle a tie between employees are the same, reduction will be accomplished by selecting the one with the most experience in the District. The initial employment acceptance date (month, day, year) may be used to determine reduction if the factors of seniority, educational placement, certification, and District experience are equal for two or more persons.

4. Part-time teachers in identified areas of specialization will be released prior to reduction of teachers on full-time contracts.

B. Specially funded programs such as adult education, federal programs, and Title I may be modified or eliminated independent of this Policy. All employees will be notified in writing of this provision at the time of employment.

C. The implementation of a reduction in force will not be used to allow certified teaching employees to move to an administrative appointment unless selected for such an appointment through the usual selection process.

SECTION THREE

A. Reduction of certified staff members will be made on a District-wide basis (Grades K-12) rather than on a building-by-building basis whenever reduction in force occurs.

B. Written notification to staff members affected by reduction in force will be provided as early as possible, but no later than thirty calendar days prior to the layoff.

- C. ~~A staff member reduced from employment through the provisions of this Policy will be considered to be on RIF leave.~~
 - 1. ~~RIF leave status will be maintained for a period of one year (unless reemployed sooner by the District).~~
 - 2. ~~If the RIFed employee wishes to remain on RIF leave status for the additional one year period, he or she must notify the District in writing not later than the one year anniversary date of layoff.~~
 - 3. ~~RIF leave status will not be affected by employment in another school district or in another occupation.~~
- D. ~~Staff members will be selected for reduction according to the provisions and the procedures of this Policy. Staff members on leave of absence or sabbatical will be considered in the same manner.~~

~~A seniority list which will include certification areas for the individuals listed will be used to identify persons for RIF leaves.~~

- E. ~~In the event a staff member not being considered for RIF desires to volunteer for RIF leave status, he or she would request RIF status in writing to the District personnel office within five working days of the announced RIF action.~~
- F. ~~Approval of a RIF volunteer would be made considering the match of the volunteer to the subject area(s), field(s), and/or program(s) affected by the RIF action. If placed on RIF leave status, the volunteer would be subject to all provisions, procedures, recall, and rights of this Policy.~~

SECTION FOUR

- A. ~~After reduction in force action has occurred and its need has expired, RIFed personnel will be offered employment in their certified area prior to employment being offered to teacher applicants. However, the eligible RIFed personnel must be fully certified for the available position as reflected on their current Arkansas Teaching Certificate. When positions are to be filled through the recall process, personnel on RIF leave will be recalled in the reverse order of layoff.~~
- B. ~~The person being recalled will be offered employment by certified mail from the District. **Recall** notice will be sent to the person's last known address on file in the District personnel office. It will be the responsibility of the RIFed person to supply the District with his or her current address.~~
- C. ~~Within ten calendar days of postmark of the recall notice, the recalled person must accept the offer by replying by certified mail or in person to the District Service Center. Rejection of the offer or failure to respond within ten days removes the recalled person's right to any further employment consideration under the provisions of this Policy.~~
- D. ~~Failure to report to work in a position that the RIFed person has accepted, unless said employee presents proof of sickness or injury, will be construed to be a default. If said RIFed person has secured employment elsewhere, he or she will be allowed a fourteen day period from the date of the acceptance before being required to report to work. A person on RIF leave who has contracted with another public school district may opt to complete his or her existing teaching contract. In this case the person will be hired to fill a position at the beginning of the next school year.~~
- E. ~~All fringe benefits to which an employee was entitled at the time of RIF leave, including sick leave, personal business days, etc., will be restored to him or her upon returning to full time employment with the District. No benefits will accrue during RIF leave status. The employees~~

~~recalled from RIF leave will be placed on the salary schedule step that he or she would have been on prior to being placed on RIF leave.~~

- ~~F. Persons on RIF leave who choose to become substitute teachers will be given priority consideration. On the substitute teacher call list, the names of persons on RIF leave status will be so designated. Those designated will be given priority when calling substitutes for duty.~~
- ~~G. All teachers on RIF leave will be given priority over new applicants in filling positions which may open.~~

~~When a reduction in force is declared, and certified personnel are placed on layoff (RIF) status, the District personnel office will prepare a seniority list of certified personnel. This list according to seniority will include name, service, and certification areas, and RIFed personnel will be designated. The list will be maintained in the District personnel office for review by the appropriate school officials and the personnel involved.~~

Legal ~~Reference~~References: A.C.A. § ~~6-13-636~~
A.C.A. § 6-17-201
A.C.A. § 6-17-2407

Additional Reference: ~~ASBA Model Policies~~

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