

TERMINATION OF CONTRACT:
REDUCTION IN FORCE

DFE
(LOCAL)

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- APPLICABILITY** This policy shall apply only to reductions in force of contractual employees when the reduction in force requires the termination of:
1. A contract governed by Chapter 21 of the Education Code in the following circumstances:
 - a. A probationary contract during the contract period,
 - b. A term contract during the contract period, or
 - c. A term contract at the end of the contract period.
 2. A contract not governed by Chapter 21 of the Education Code during the contract period.

Note: This policy shall not apply to termination at any time of at-will employment (see DCD); termination of a continuing contract (see DFCA); termination of a probationary contract at the end of the contract period (see DFAA); or termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code (see DCE).

DEFINITIONS Definitions used in this policy are as follows:

1. "Financial exigency" shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel including, but not limited to, a decline in the District's financial resources, a decline in enrollment, a cut in funding, a decline in tax revenues, or an unanticipated expense or capital need.
2. "Program change" shall mean any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation. The term shall include, but not be limited to, a change in curriculum objectives, a modification or reorganization of staffing patterns on a particular campus or Districtwide, a redirection of financial resources to meet the

educational needs of the students, a lack of student response to particular course offerings, legislative revisions to programs, or a reorganization or consolidation of two or more individual schools or school districts.

3. "Discharge" shall mean termination of a contract during the contract period.
4. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.

GENERAL
GROUNDS

A reduction in force may take place when the Board determines that financial exigency or a program change requires the discharge or nonrenewal of one or more employees **in accordance with this policy**. Such a determination constitutes sufficient cause for discharge or nonrenewal.

SCOPE OF
REDUCTION

When a reduction in force is to be implemented, the Superintendent ~~may assist the Board by making recommendations to the Board regarding the employment areas to be affected.~~ **shall make recommendations to the Board and the Board shall determine the employment areas to be affected.** In determining affected employment areas, the Board may combine or coordinate employment areas, as defined below (e.g., the Board may combine "elementary programs" and "compensatory education programs" to identify an employment area of "elementary compensatory education program").

EMPLOYMENT
AREAS

A reduction in force may be implemented in one, several, or all employment areas. [See DC(REGULATION) for list of employment areas]

CRITERIA FOR
DECISION

~~Using the following criteria, the Superintendent shall recommend to the Board employees for discharge or nonrenewal because of a reduction in force.~~ **The Superintendent shall recommend to the Board the discharge or nonrenewal of employee within the affected employment area(s) because of a reduction in force, based on the following criteria.** These criteria are listed in order of importance; the Superintendent shall apply them sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. ~~For example, i.e.,~~ if all necessary reductions can be accomplished by applying the certification criterion, it is not necessary to apply the performance criterion, etc.

1. Certification: Appropriate certification endorsement, **and/or highly qualified status** for current or projected assignment.

2. Performance: Effectiveness as reflected by appraisal records and other written evaluative information.

If the Superintendent in his or her discretion decides that the documented performance differences between two or more reduction in force prospects are too insubstantial to rely upon, he or she may proceed to apply criterion 3 and, thereafter and to the extent needed, criterion 4.

3. Seniority: Length of service in the District, **as measured from the employees most recent date of hire.**
4. Professional Background: Professional education and work experience related to the current or projected assignment.

CONSIDERATION FOR AVAILABLE POSITIONS Once the Superintendent has identified the appropriate employees in the affected area(s), those employees ~~shall be considered~~ **may apply** for other available positions for which they are qualified ~~up to the date of a hearing requested in accordance with the provisions below.~~ **An employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedure to be considered for a particular vacancy.**

Up until the date of a hearing requested in accordance with this policy, an employee who applies for an open position must be offered the position if the employee meets the District's objective criteria for that position and is the most qualified internal applicant for the position.

NOTICE AND HEARING After considering the Superintendent's recommendation, ~~and if no vacancies exist for which the identified employees are qualified,~~ the Board shall determine the employees to be proposed for discharge or nonrenewal, as appropriate. The Superintendent shall provide each employee written notice of the proposed action, including a statement of the reason(s) requiring such action and notice that the employee is entitled to a hearing.

NONRENEWAL An employee receiving a notice of proposed nonrenewal may request a hearing in accordance with DFBB~~(LEGAL)~~ and ~~(LOCAL)~~.

DISCHARGE An employee receiving notice of proposed discharge during the period of a contract governed by Chapter 21 of the Education Code may request a hearing before an independent hearing examiner in accordance with DFD~~(LEGAL)~~.

An employee receiving notice of proposed discharge during the

period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE(~~LEGAL~~).

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DFF(~~LOCAL~~)

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (~~LOCAL~~) for further information.]