

**NOTE:** Amended to reflect provision in HB261 so that reduction in force is not solely determined by seniority.

**RECOMMENDATION:** Discuss italic area.

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 effect the reductions by implementing this policy after having attempted to reduce the staff to a desired number through attrition **and/or reassignment**.

**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**

“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;
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.

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: 460, 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 informal review for all impacted employees *as set forth in Policy No: 460, Informal Review Procedure for Certificated Employees.*

## RANKING OF EMPLOYEES

The district will utilize the following process in determining who will be subject to a reduction in force:

1. The superintendent or designee will recommend to the board the category(ies) and number(s) of certificated positions in each category to be reduced. The category(ies) of positions will be determined by grade level and/or subject matter certification and endorsement (e.g., K-8, special education, math, or music).
2. Upon approval by the board, the superintendent or designee will assess the qualifications of all certificated employees holding a position in the affected category(ies).
3. In the event one (1) or more certificated employees in an affected category is not highly qualified for that assignment, he/she will be subject to the reduction in force.

4. In the event that all certificated employees in an affected category are highly qualified and/or the district must reduce additional employees, the superintendent will develop a rubric for assessing the following factors: highly qualified status in multiple categories, multiple certifications, multiple endorsements; leadership roles in the school/district, effectiveness in the classroom as demonstrated by superior or proficient ratings on evaluations, objective measures of student growth and parent/guardian input, master teacher status, graduate education degree or coursework, and applicable veteran status. The rubric will be communicated to all employees prior to being implemented. The individual with the lowest score on the rubric will be subject to the reduction in force.
5. In the event two (2) or more certificated employees tie for the lowest score on the rubric, the superintendent will consider whether such individuals have received a letter of reprimand or documented unsatisfactory performance during the current school year. The individual who received a letter of reprimand or documented unsatisfactory performance will be subject to the reduction in force.
6. In the event two (2) or more certificated employees receive a letter of reprimand or documented unsatisfactory performance during the current school year, the certificated employee to be subject to the reduction in force will be determined by drawing lots or other random method.

***RECALL RIGHTS***

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.

***COMPETING FOR OPEN POSITIONS***

Any employee affected by the reduction in force will be allowed to compete with other similarly situated employees for any and all positions for which he or she is qualified. Employees not affected by this reduction in force policy may be reassigned. However, in the event an administrative position becomes available in this district while the reduction in force policy is in affect, the board is not obligated to follow the criteria as set forth above, but rather may select an individual it deems to be the most qualified individual for that position.



**LEGAL REFERENCE:**

Idaho Code Sections

33-514

33-515

33-522A (void on and after July 1, 2014)

65-501, *et. seq.*

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

**ADOPTED: June 21, 2011**

**AMENDED: First Reading October 2, 2013**

*\*Language in text set forth in italics is optional.*