

**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: February 8, 2011

TITLE: Approval of Proposed Governing Board Policy GCQA and District Regulation GCQA-R Regarding Professional Staff Reduction In Force.

BACKGROUND: In November 2009, the Arizona Legislature passed House Bill 2011 which changed many long-standing provisions of Arizona law concerning the employment rights of teachers traditionally arising out of seniority, as well as due process protections for teachers, and teacher association privileges. Subsequent to that bills' passage, the Meet and Confer teams began discussions about development of new policy and regulation which would comply with the requirements of the law.

Work on the policy continued until May 2010 but was unresolved at that time, necessitating the Governing Board's repeal of then-existing Policy GCQA to ensure that the District did not begin a new fiscal year with policy terms prohibited by law.

Among other things, the changes made by HB 2011 include prohibition of school district policies that give employment retention priority to teachers based on tenure or seniority in situations where the workforce must be reduced. Also prohibited by the changes in law were policies that gave preferred rights of rehire (recall) in order of seniority to teachers who are laid off or reduced in force. The now-repealed Policy GCQA contained these types of provisions.

Litigation challenging the validity of HB 2011 on procedural grounds ultimately failed. In addition, HB 2227 was passed by the Legislature last session in order to rectify the procedural challenges. Thus, the law is now settled.

Since September of this fiscal year, the Meet and Confer teams have been meeting to develop a recommendation to the Governing Board for new policies which will comply with HB 2011 and/or HB 2227. The teams have met on many occasions at this point – for many hours.

The result of their meetings is a new policy, regulation and implementing exhibit form. The concept behind the new policy and regulation is that multiple measures will be used to determine those personnel who must be reduced in force, in the event a "RIF" must occur. The criteria used are those identified by teachers in the joint survey which the Meet and Confer teams conducted late last fall. All those criteria identified by more than half the teachers with strong agreement are included.

Another important aspect of the new RIF procedure created by the recommended policy documents which are attached is the opportunity each teacher has to provide their own data upon which RIF decisions will be made. This ensures transparency in the process, a key consideration for both teams – and the direction of the Governing Board.

As this item was prepared, the Association was in the process of ratification (an approval process for its members). Consequently, the final proposed policy and regulation will be provided to the Board via addendum in advance of the Board's meeting.

RECOMMENDATION: This item is presented to permit the Board to study and discuss the proposed Policy GCQA and its accompanying regulation and exhibit, which the administration recommends approval of at this time.

INITIATED BY:



Todd A. Jaeger, Associate to the Superintendent

Date: February 2, 2011



Vicki Balentine, Ph.D., Superintendent