

## **REDUCTION IN PROFESSIONAL STAFF WORKFORCE**

### Reduction in Force

In the event of a decrease in pupil enrollment, insufficient allocation of financial resources, expiration of special grants and/or other conditions which may require a modification of the curriculum or instructional program resulting in a reduction in staff, the School Board, upon recommendation of the Superintendent, shall determine the program adjustments to be made and the reduction in force required.

### Definitions

#### 1. Seniority

Seniority shall be that period of time commencing with the most recent term of continuous full-time service in Gloucester County Public Schools based on date of contract or with the Gloucester County School Division, including authorized leave(s), but excluding employment under temporary or interim contract. For the purposes of this policy, a minimum of 180 work days in a school year will be required for a teacher to be credited with a year of seniority. Should a tie exist, the tie shall be broken in the following order:

- a. official beginning date of employment as shown on the teacher's contract;
- b. the date the School Board took action on the employment of the teacher as shown in the School Board's minutes;
- c. date of teacher's signature on the teacher's contract; and
- d. selection by lot.

#### 2. Teacher

As used in this policy, "teacher" shall mean classroom teacher, guidance counselor, librarian, visiting teacher, or ITRT.

#### 3. Administrative Personnel

As used in this policy, "administrative personnel" shall include those employees who have been assigned to the administrative salary scale.

#### 4. Endorsement Area

For purposes of this policy, "endorsement area" shall mean the teaching endorsement shown on the current teaching license as issued by the State Board of Education.

#### 5. Active Assignment

The grade configuration (i.e., K-5, 6-8 and 9-12) in which the individual is actively assigned at such time as it may become necessary to implement reduction in force procedures.

### Seniority Lists

Seniority lists for teachers will be shown in ascending order of seniority and shall be comprised of lists based on the endorsement or other special areas of the active assignment as follows (or on the comparable endorsement areas under the Licensure Regulations of the State Board of Education in effect at the time it may become necessary to implement reduction in force procedures):

A teacher who has taught for at least three full school years in an active assignment (i.e., K-5, 6-8, and 9-12), other than the one at such time as it may become necessary to implement reduction in force procedures, will be included on the seniority list of that respective active assignment(s) and the seniority list of the current active assignment.

A teacher holding a comprehensive elementary endorsement of grades K-7 or 1-7 will be listed in the first category that is appropriate to the teacher's active assignment (i.e. either K-3 or 4-7).

A person in an ITRT position shall also be placed on the seniority list of his/her last active teaching assignment prior to becoming an ITRT.

Seniority lists for administrative personnel will be shown in ascending order of seniority by designated area of assignment at such time as it may become necessary to implement reduction in force procedures.

Any teacher on a plan of improvement shall not have any seniority or recall rights; provided, however, that the Superintendent shall review the circumstances surrounding such plan of improvement, including, but not limited to, whether sufficient time has elapsed to allow the teacher to pursue the recommended corrective actions; whether the teacher has diligently pursued the recommended corrective actions; and whether the teacher had been previously placed on a plan of improvement. Based on such review, the Superintendent may, in his/her sole discretion, exempt the teacher from this provision.

#### Reduction in Force Procedures

##### 1. Teachers:

De-staffing of teachers will be based on seniority as defined above.

##### 2. Administrative Personnel:

The de-staffing of administrative personnel will be on the basis of seniority in the designated area of assignment at such time as it may become necessary to implement reduction in force procedures and the need to maintain specific services.

Should administrative positions be eliminated as part of the reduction in force, the School Board may, but is not required to, reassign an eligible employee to a teaching assignment for the next school year. If reassignment to a teaching position is recommended by the Superintendent and accepted by the School Board, the employee will be placed on the teacher seniority list that is appropriate to his/her last active teaching assignment.

#### Transfers

Transfers may be made within the division to accommodate the retention of employees affected by the reduction in force. The selection of personnel to be transferred will be governed by the need to maintain maximum effectiveness as determined by the Superintendent in his/her sole discretion. Should a person refuse an assignment by transfer, he/she will lose all seniority and recall rights.

#### Exceptions:

- a. The provisions of this policy shall not apply to the employment of personnel whose special skills and/or active assignment is essential to the effective operation of the school program. The determination of essential personnel shall be solely at the discretion of the School Board upon recommendation of the Superintendent.
- b. The provisions of this policy shall not apply and shall not provide the basis for any employee action in situations involving adjustments in length of contracts of any personnel of the school division.
- c. Notwithstanding any rights herein granted by the School Board, the School Board reserves the right to at all times de-staff, transfer, reassign or recall employees of the division in any manner as may be, in the School Board's sole discretion, necessary in the best interest of and for the more efficient operation of the schools of the division.

#### Notification

Within two weeks of the approval of the school budget by the appropriating body, but no later than July 1, the School Board shall notify all teachers who may be subject to a reduction in force due to a decrease in the School Board's budget as approved by the appropriating body.

Recall Procedures:

- a. Teachers under probationary contract shall have no recall rights but will be given consideration for re-employment at the discretion of the School Board upon recommendation of the Superintendent. The performance of the individual and length of service shall be among the factors considered in making this recommendation.
- b. When openings occur, the eligible de-staffed continuing contract teacher with the greatest seniority will be offered a vacant position in the endorsement area of his/her active assignment at the time of the reduction in force. A teacher may be offered a position that is in his/her endorsement area, but not in his/her active assignment. In any event, a teacher offered a position must accept the assignment or lose all recall rights. Eligible licensed employees who have not been recalled within one (1) year from time of notification of reduction in force will have no further recall rights.
- c. When an eligible de-staffed continuing contract teacher is to be recalled, he/she will be notified first by telephone and/or e-mail. If the employee cannot be reached through either of those means, the teacher will be notified by certified mail at his/her last known address. If the offer of re-employment is not accepted in writing within ten (10) work days of notice of recall, all rights of recall will be forfeited. It shall be the responsibility of the teacher to maintain an accurate telephone number, e-mail address and mailing address with the Department of Human Resources.

Teachers Will Not Be Eligible for Recall If:

- a. The teacher, subsequent to termination, makes a contractual commitment with another school or school division from which release cannot be obtained prior to July 15.
- b. The teacher fails to maintain a valid teacher's license.
- c. The teacher, subsequent to termination, becomes unable to qualify for a position in the endorsement area of his/her active assignment at the time of the reduction in force.

School Board Minutes

To avoid negative implications with regard to the professional record of an employee de-staffed under this policy, the minutes of the School Board will clearly show that such termination of employment was due to a reduction in force.

<b>ADOPTED:</b>	February 8, 1983
<b>REVISED:</b>	November 11, 1986 July 1, 1991 August 16, 1995 March 10, 2009 November 12, 2013
<b>LEGAL REFERENCES:</b>	Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, and 22.1-304.
<b>CROSS REFERENCE:</b>	GCG Professional Staff Probationary Term and Continuing Contract