

TERMINATION OF CONTRACT
REDUCTION IN FORCE

DDF
(LOCAL)

PURPOSE

The purpose of this policy is to provide for an orderly method for the separation of professional employees who are affected by a necessary reduction in force (RIF).

DEFINITIONS

Definitions used in this policy are as follows:

1. "Reduction in force (RIF)" means the dismissal of a teacher, administrator, or other professional employee under contract before the end of a contract term or at the end of the contract term, for reasons of financial exigency or program change.
2. "Financial exigency" means any decline in the District's financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need for the District to reduce financial expenditures for personnel.
3. "Program change" means any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation due to either a lack of student response to particular course offerings, legislative revisions to program funding, or reorganization of a school or consolidation of two or more individual schools, school programs, areas, departments or divisions. The term shall also include a campus or Districtwide change in curriculum objectives, or a modification or reorganization of staffing patterns.

DETERMINATION

A reduction in force may take place when the Board determines that financial exigency exists or the ~~General~~ Superintendent of Schools determines that a program change is required. In either case, this may involve the discharge or nonrenewal of one or more employees. Such a determination constitutes sufficient cause for discharge or nonrenewal in accordance with appropriate policies and procedures. Reduction in force shall be made ~~on a District-wide basis rather than by~~ campus-by-campus based on the Criteria for Decision. When a reduction in force is to be implemented, the Board or the ~~General~~ Superintendent of Schools, as applicable, shall first determine which employment areas shall be affected. The ~~General~~ Superintendent of Schools shall confine his or her recommendations for personnel reductions to staff members and administrators assigned to the affected programs or employment areas.

EMPLOYMENT AREAS
AND CONSIDERATION
FOR AVAILABLE
POSITIONS

A reduction in force may be implemented in one, several, or all employment areas, as determined by the Board if for financial exigency, or as determined by the ~~General~~ Superintendent of Schools if for a program change. When a reduction in force is to be implemented for financial exigency, the ~~General~~ Superintendent of Schools shall assist the Board by making recommendations to

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the Board regarding the employment areas and positions to be affected. In determining affected employment areas and positions, the ~~General~~ Superintendent of Schools or 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 shall be defined as:

1. Elementary grades, subjects, departments, or programs.
2. Secondary grades, departments or programs.
3. Counseling programs.
4. Special programs, such as gifted and talented, bilingual, special education, compensatory education, and migrant education.
5. Library programs.
6. Other nonteaching professional and professional staff.
7. Teachers on probationary status.
8. Professional employees holding temporary certificates or permits.
9. Other Districtwide programs.

Once the ~~General~~ Superintendent of Schools has identified the appropriate employees in the affected area(s), those employees shall be considered for other available positions for which they apply and are qualified up to the date of a hearing requested in accordance with the provisions below. Assignments to new jobs shall be based on matching of certification state/federal compliance, performance, qualifications, experience and skill set(s).

NOTICE AND
ORIENTATION TO
EMPLOYEES

After considering the ~~General~~ Superintendent of Schools or Board's recommendation, and if no vacancies exist for which the identified employees are qualified, the ~~General~~ Superintendent of Schools shall determine the employees to be proposed for discharge or nonrenewal, as appropriate. The ~~General~~ Superintendent of Schools 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. The Human Resource Services staff will notify each person whose contract is proposed to be terminated or nonrenewed of his or her status by personal delivery or certified mail-return receipt requested as soon as possible. Such notification will include:

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1. The date of last day of work.
2. The reason for the RIF.
3. The status of benefits, including instructions for converting coverage.
4. Appeal and hearing procedures applicable to the particular employee.

An orientation session will be conducted by the Human Resource Services to counsel with RIF personnel as to other employment opportunities, unemployment compensation, insurance, substitute work, and other rights to which the employee may be entitled.

The employee's address, as it appears on the District's record, shall be deemed to be the correct address. It shall be the employee's responsibility to ensure that the Human Resource Services Department has his or her current address on file.

CRITERIA FOR
DECISION

Using the following criteria, the **General Superintendent of Schools** shall recommend employees within the affected employment area(s) for discharge or nonrenewal because of a reduction in force, pursuant to applicable policies related to termination or nonrenewal. These criteria are listed in order of importance. The **General Superintendent of Schools** 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; 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****State and Federal compliance:** Appropriate state certification **as of the first day of the upcoming school year, that the employee is Highly Qualified and/or has an** endorsement for the current or projected assignment.
2. Performance: Effectiveness as reflected by appraisal records and other written evaluative information, **including, but not limited to, PDAS and other objective data which may support the ratings in PDAS such as state and local assessment data (excluding benchmarks), assessments of course progress, objective peer review, attendance, or Classroom Effectiveness Index (CEI), as outlined herein below. Performance based reduction at each individual campus shall use the most current year PDAS (or applicable evaluation) summative annual appraisal:**

First, any teacher having any unsatisfactory evaluation on any of the eight PDAS domains;

Second, any teacher having three or more below expectations evaluations on any of the eight PDAS domains;

Third, any teacher having two below expectations evaluations on any of the eight PDAS domains;

Fourth, any teacher having one below expectations evaluation on any of the eight PDAS domains.

The Senior Executive Director of the respective Learning Community or designee will conduct a second review of appraisal documents for all appraisals that fall below proficient in any domain that are used to determine a reduction in force.

If the desired level of reduction in force is not reached through the appraisal process, then additional measures may be included to reach the targeted number, in the following order:

- a. **Had the lowest appraisal score within their content or subject area;**
- b. **Attendance;**
- c. **A written plan for improvement, or a Teacher in Need of Assistance (TINA) plan for the current school year;**
- d. **Failed to take part in professional development;**
- e. **Tardiness;**
- f. **Documented disciplinary issues for the current school year;**
- g. **Documented failure to follow the directives of school administration.**

Factors that will favor an employee include, in the following order:

- a. **Quantitative Measures (must have at least one)**
 - (1) **Earns a CEI at or above the 51st percentile;**
 - (2) **Students meet the proficiency standard on the State Assessment at rates at or above the state's minimum standard for the content area OR Students' average performance on the State**

Assessment shows a year's growth on a vertical scale.

(3) Shows evidence that in the previous years' grading records that all six-week passing rates were at or above 90% for elementary students, 85% for middle school students, or 80% for high school students for the entire academic year.

b. Qualitative Measures (must have at least two)

(1) Produces classroom artifacts such as lesson plans, relevant data (formative and summative assessments), student profiles, student work that exhibit evidence of exemplary work as opposed to a sampling of artifacts that communicates high expectations for all students.

(2) Produces evidence of visible leadership such as service on committees that yield additional support to students.

(3) Provides evidence of effective communication with parents and community such as records, classroom newsletters, and/or logs of home visits.

(4) Collaborates with peers on lesson development and common assessments to support all students on campus.

c. Participation in the school CILT team;

d. Chairperson of a Department;

e. Sponsorship of Extra-Curricular Activities

~~If the General 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 need, criterion 4.~~

~~3. Seniority: Length of continuous service in the District. An authorized leave shall not be considered an interruption of continuous service.~~

~~4. Professional background: Professional education and work experience related to the current and projected assignment.~~

~~REQUEST NOTICE
AND FOR HEARING~~

Requests for hearings must be submitted in writing within the time line specified in policy and in the notice of termination or nonrenewal. Hearings will be conducted pursuant to the applicable policies and statutes related to grievances for support and at-will employees [see policy DCD and DGBA], and nonrenewal or termination of certified and noncertified professionals under contract [see policy DF, DFBB].

CONSIDERATION
FOR AVAILABLE
POSITIONS

Once the Superintendent has identified the appropriate employees in the affected area(s), those employees may, up until the date of a hearing requested in accordance with the provisions below, apply for other available positions for which they are qualified. An employee shall be responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedure to be considered for a particular vacancy. Assignments to new jobs shall be based on matching skill sets.

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.