

REDUCTION IN FORCE (RIF) POLICY
FOR TEACHERS

The Board shall have the authority to make, and shall make provisions for, a reduction in the number of employees of the School District, which may be made for reasons of program elimination, declining enrollment, insufficient funds, or other just causes as approved by the Board. All reductions of employees shall be in accordance with requirements contained in state statutes and Board policy. Normal attrition, voluntary retirements, and voluntary leaves of absence shall be considered prior to any staff reduction.

I. Definition of Terms

1. "Termination" means the cessation of employment of a teacher or other certified employee before the end of a tenured or probationary appointment for reasons of financial exigency or program change. The nonreappointment of an employee on a specified term appointment is not a termination, and no objection to the nonreappointment may be filed under this procedure.

2. "Teacher" means any employee of the board who holds a teaching certificate and whose legal employment requires such a teaching certificate (ex. classroom teacher, administrator, supervisor, coordinator)

3. "Financial exigency" means any significant decline in the board's financial resources that is brought about by decline in enrollment, funds or by other action or events that compel a reduction in the school board's current operations budget.

4. "Program change" means any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation or a reorganization or consolidation of two or more individual schools that is unrelated to financial exigency.

5. "Day", except where calendar day is specified, means every day including Saturdays, Sundays, and teacher work days, but it does not include official school holidays like Thanksgiving and Christmas.

II. General Grounds for Termination

Employment may be terminated when the board decides that because of (1) a financial exigency, or (2) a program change for institutional reasons, the board's contractual obligation to one or more teachers cannot be further met. Such a decision may be made and any resulting termination may be effected only in accordance with the procedure provided in this RIF policy.

III. Board's Preliminary Determination and Statement

If the board decides after preliminary findings presented by

the superintendent that (1) a state of financial exigency exists or is imminent or a program change has occurred or should seriously be considered and (2) termination of the employment of one or more teachers may be a required consequence of either circumstance, it shall authorize the superintendent to prepare a statement that identifies with reasonable particularity the state of financial exigency or the program change. The statement shall outline in terms as specific as the circumstances permit the options for response readily apparent to the board at the time, including any options that would or might involve termination of employment. The board shall direct the superintendent to obtain advice and recommendations from all administrators and supervisors whose schools or departments might be affected by the adoption of any identified option involving termination.

IV. Statement of the Superintendent

The superintendent at the direction of the board shall determine all options available to the board through whatever sources are available. If the superintendent determines on the basis of all information available that action must be taken, he/she shall transmit to the board a statement that designates (1) the options available, (2) the areas of school operation in which termination should be effected, and (3) the criteria to be used in selecting individual employees for termination of employment.

V. Criteria for Termination

The criteria for termination should provide that the primary consideration shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school board. Based on this principle, the following criteria are to be used in reduction of staff in the following order:

1. Certification.
2. Seniority in Parish.
- *3. Minority to majority ratios in schools.
4. Professional competency.
5. Qualifications.
6. Degrees earned.

*Item 3 could be considered out of order in extenuating circumstances.

VI. Decision of the Board

If the board determines from the statement presented that it must take action, the board shall direct the superintendent to proceed with recommendations on options selected and areas of school operation affected.

VII. Action by the Superintendent

The superintendent shall submit to the board his/her recommendation for terminating the employment of particular teachers. In making his/her recommendations he/she shall not be limited to considering only the teachers in the areas of programs designated by the board in its initial statement. He/She shall not make his/her recommendations until he/she has consulted with each principal and/or supervisor whose school or department will have a teacher terminated. It shall be the responsibility of the Department of Personnel to consult with the teacher prior to receipt of letter of termination.

VIII. Notice to Individual Teacher

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If after considering the superintendent's recommendations, the board acts to terminate employment, written notice of that fact shall be given by the superintendent or his/her designee by certified mail, return receipt requested, to the teacher to be terminated. The notice shall include a statement of the conditions requiring termination of employment, a general description of the procedures followed in making the decision, and a disclosure of pertinent financial or other data on which the decision was based. The teacher's address, as it appears on the school board's record, shall be deemed to be the correct address. It shall be the teacher's responsibility to see that the school board has his/her current address on file.

Timeliness

a. Program Change: When termination is based on program change unrelated to financial exigency, a teacher on tenure appointment shall be given not less than 60 calendar days' notice before the termination becomes effective. A teacher on a specified term contract shall be given not less than 30 calendar days' notice. The notice requirement for nontenured faculty, however, shall apply only to termination in the middle of the teaching contract.

b. Financial Exigency: When termination is based on financial exigency, the board shall make every reasonable effort, consistent with the need to maintain sound educational programs and within the limit of available resources, to give not less than 30 calendar days' notice before terminating the employment of a tenured teacher or a nontenured teacher.

IX. Review of Individual Terminations

Request for a Hearing

Within ten days after receiving a notice of termination, a teacher may request a review of the action by the board. Review may

be solely to determine whether the decision to terminate was arbitrary or capricious with respect to that individual.

The request for review must be in writing and addressed to the president of the board. It must specify the grounds on which it is contended that the decision was arbitrary or capricious and must include a short, plain statement of facts that the employee believes supports the contention.

Submission of such a request constitutes on the part of the teacher (1) a representation that he/she can support his/her contention by factual proof, and (2) an agreement that the school board may offer in rebuttal of his/her contention any relevant data in its possession.

The board shall consider the request and shall grant a hearing if it determines that the request contains a bona fide contention that the decision to terminate was arbitrary or capricious because the facts suggested, if established, might support the contention. A denial of the request finally confirms the decision to terminate, and the board shall so notify the teacher. If the request is granted, a hearing shall be held within ten days after the request is received; a teacher shall be given at least a five-day notice of the hearing.

Conduct of the Hearing

The hearing shall be open or private at the teacher's discretion. If a private hearing is conducted only the members of the board, the teacher, the superintendent, and such witnesses as may be called will be in attendance. The teacher and the superintendent may each be accompanied by a person who may give counsel or otherwise represent the party. A quorum for purposes of the hearing is a simple majority of the board's total membership. A board member who has a significant conflict of interest should disqualify himself/herself or be excused by the board's adoption of a motion to disqualify him/her. The board may consider only such evidence as is presented at the hearing, and it need consider only the evidence that it considers fair and reliable. All witnesses may be questioned by the board members, the teacher, and the superintendent. Except as herein provided, the conduct of the hearing shall be under the president's control.

The hearing shall begin with the teacher or his/her representative's presentation of contentions, limited to those grounds specified in the request for a hearing and supported by such proof as he/she desires to offer. The superintendent or his/her designee may then present, in rebuttal of the teacher's contention or in general support of the decision to terminate, such testimonial or documentary proofs as he/she desires to offer, including his/her own testimony.

After the superintendent completes his/her presentation, the board shall consider the matter. The burden is on the teacher

to satisfy the board by clear and convincing evidence that the decision to terminate was arbitrary or capricious.

Procedure After Hearing

If the board determines that the teacher's contention has not been established, it shall, by a simple unelaborated statement, so notify the teacher. Such a determination finally confirms the decision to terminate. If the board determines that the teacher's contention has been established, it shall so notify the teacher and the superintendent by a written notice that states what corrective action must be taken.

X. Obligations with Respect to Re-Employment or Other Employment

For two years after the effective date of a termination pursuant to provisions set forth herein, the school board shall not replace the employee whose employment has been terminated without first offering the position to the terminated employee [or offer to a teacher, who has been terminated, any position that becomes available for which he/she is both certified (when certification is required) and qualified]. Employees will be recalled in reverse order to their lay-off.

The offer of re-employment shall be made by certified mail, return receipt requested, and the teacher shall be notified that, if he/she wishes to accept, he/she must do so in writing within fifteen calendar days. Failure to accept within fifteen calendar days or rejection of the position eliminates all re-employment rights of the teacher.

A tenured teacher who has been laid off and re-employed within two years shall be reinstated as a tenured teacher. A probationary teacher who was laid off but is later re-employed may be given a maximum credit of two years for the time already served as a probationary teacher for purposes of determining when he/she is eligible to be considered for tenure.

An employee who is recalled within two years after being laid off shall have restored to him all of the sick leave and unused personal leave he had accrued on the effective date of the layoff.

XI. Exclusiveness and Saving Provision Regarding Reduction in Force Policy

This reduction in force policy is the only procedure that may be used in a reduction in force. Any existing procedure for reconsidering or examining an employee discharge, non-reappointment, or grievance will not be considered in implementing a reduction in force. Similarly, no personnel action other than a reduction in force may be considered under this policy.

If any provision of this policy or the application thereof is held invalid, such invalidity shall not affect other provisions of

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this policy which can be implemented without the invalid provisions and, to this end, the provisions of this policy are hereby declared severable.

Any and all provisions of this policy shall yield to existing state law, whether statutory or not, when held to be in conflict with said law or laws.

Approved: 12/21/83