

CERTIFICATED STAFF

401.3

Reduction in Force

When the Board of Education deems that because of a change(s) of circumstances a reduction of force is necessary, the Board may reduce an employee at the close of the school year. A change of circumstances includes, but is not limited to the following:

- Budget considerations
- Declining enrollment
- Board determination to discontinue or alter a particular program
- Reduction or discontinuance of State/Federal funding of a particular program

A reduction in force shall consist of a reduction of one or more positions or a reduction in the percentage of employment of one or more certificated staff members even if the number or percentage of employment of the certificated staff overall may be increased by other hirings or increases in the percentage of employment of other employees. Reduction in force may result in termination of employment, an amendment to the certificated employee's contract reducing the employee from full-time to part-time status or an amendment to the contract of a part-time employee further reducing that employee's percentage of employment. Reduction in force shall include the reduction of a certificated employee's extended employment, i.e., that employment which takes place outside the regularly scheduled academic year.

In reducing an employee or employee group, the following provisions and procedures in compliance with state statutes shall apply:

1. On or before April 15, of any school year the superintendent shall recommend to the Board of Education those grades, areas or programs where a reduction of force is appropriate.
2. The Board of Education shall attempt to absorb reductions in a building, department, or program through normal attrition due to resignations, retirements, leaves of absence, and/or alternate assignment of personnel.
3. After considering the above factors and where an actual reduction(s) is deemed necessary, the Board will consider various criteria to determine the person(s) to be reduced. The criteria listed, are listed in no order of priority.

- Number of years of full-time equivalency service in the Kimball District and the years of teaching experience in the employees' area(s) of endorsement.
  - Full-time equivalent service shall be defined as the number of total full-time equivalent years of employment in the district as a teacher. A full-time equivalent year is defined as employment on a full-time basis for an entire school year. Less than full-time employment would reduce the teacher's full-time equivalent employment for a school year. For example, a teacher employed on a half-time basis would be credited with half a year of full-time equivalent employment. Any years of absence or fractions of years of leave of absence will to count as years of employment for the purposes of determining the length of a teacher's uninterrupted service.
  - The variety of endorsements of those to be retained which will permit flexible staffing in the future.
  - The certification and endorsements of those considered for reduction when certain certifications/endorsements are helpful for the maintenance of certain programs offered in the district.
  - Extra duty assignments as per the Master Contract Extra Duty Schedule fulfilled or qualified to fulfill by the employees being considered for reduction. Qualified shall mean the employee has had previous experience with or preparation for the extra duty assignment.
  - Level of professional growth as evidenced by hours/degrees. Any changes in certification – endorsements shall be filed in the superintendent's office no later than March 1 of each year.
  - Administrative recommendations
4. Tenured vs. Probationary Teacher – As per statute, no tenured employee shall be reduced while a probationary teacher is retained to render a service which such tenured employee is qualified by reason of certification and endorsement to provide. (79-846)
  5. Due to the confidential and unique personal working relationship necessary between the administration and the Board of Education, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no rights under this policy to any administrative position within the school district.

6. Any employee who is subject to a reduction in force shall have the right to notification and hearing before the Board of Education as provided by statute. Any employee terminated shall be considered to have been dismissed with honor, and upon request, be provided with a letter to that effect. (79-847 – 79-848)
7. Any employee who has been terminated to effect a reduction in force shall have preferred rights to re-employment for a period of twenty-four (24) months commencing at the end of the contract year, and his /her name shall be placed upon a priority-recall based upon length of service in the district. He/she shall be recalled when a position for which he/she is qualified and/or endorsed by college preparation becomes available. (79-848)
8. An employee when under contract to another school district may waive the right to reappointment without prejudice but such waiver shall to deprive the employee of his or her right to subsequent offers of reappointment. The employee shall be responsible for maintaining his or her current address and phone number with the district's administrative office. Offers of reappointment may be made by telephone but shall have three (3) days to accept or reject the offer of reappointment unless extended by mutual consent.
9. The period of absence of an employee who is re-appointed after having been terminated to effect a reduction in force shall be treated as an absence and shall not be considered as a year of employment by the district.
10. If the reduction of an employee upon the provisions of this policy, would place the school district in non-compliance of any federal or state law or regulations requiring affirmative action employment practices, the district may vary from this policy only to the extent necessary to comply with such laws or regulations. (79-849)

Nothing contained in this reduction in force policy shall deny either party rights created by the reduction in force statute, Sections 79-846 – 79-849

Adopted: April 21, 2003  
Reviewed: September 10, 2013