

Gooding Joint School District No. 231

PERSONNEL

5740P

Reduction In Force Procedure – Certificated Professional Employees

The procedure to be followed in RIF situations shall be as follows, which general procedures are more specifically defined hereinafter.

Step One - Determination of need for RIF and decision to implement RIF procedures.

Step Two - Determination and decision by the Board of changes in curriculum or offerings and/or additions and/or deletions to or from other staff positions (such as administrative, counseling, etc.).

Step Three- Determination by the Administration of the staff members to be subject to the RIF according to the standards set forth hereinafter, recommendation by the Administration to the Board to give notices of possible nonrenewal, non-reemployment, etc. and issuance by the Board of such notices.

Step Four- The holding of hearings, informal reviews, etc. required by the Constitutions and Laws of the United States and the State of Idaho and the Rules and Regulations of the State Board of Education of the State of Idaho.

Determination of Need

1. Before the Board will authorize a reduction in force, the Board, in its discretion, consistent with its powers and duties to provide a system of public education within the District, must determine if a need for reduction in force (hereinafter RIF) exists.
2. The following procedures shall be used to make such determination:
 - a. The Superintendent and Administrative Staff or any Trustee shall report to the Board of Trustees that the District is facing funding or other problems and recommend that the best alternatives include a reduction in force and/or a modification of curriculum.
 - b. If the Board is satisfied that a prima facie case for reduction in force exists, it shall schedule the matter for discussion and decision at an open meeting of the Board of Trustees.
 - c. Notice of the meeting and agenda must be posted as required by applicable statutes, and such notice should include:
 - i. The normal requirements of notice such as time, place, etc.;
 - ii. A statement of the purpose of the meeting (to consider a recommendation that there be a reduction in force);
 - iii. That the Board will hear oral reports or position statements limited in time, except by leave of the Board, to 5-10 minutes per person and may receive (if) the Board so requests, written reports and position statements at the meeting and for a period (or different period announced by the Board) of one week following the meeting.
3. At the meeting, the Board will receive evidence related to existence of the problem and whether a reduction in force is the most desirable of the possible alternatives. The public

or interested persons may present reports and any other written or oral argument for consideration by the Board.

4. The Board may then deliberate and analyze the evidence as it relates to RIF.
5. The Board will make a final determination and approve, disapprove or approve with modification the institution of RIF procedures either at the meeting called to receive evidence, etc., or at a later meeting announced by the Board and properly noticed.

Determination of Employees Subject to RIF

In the event that attrition does not provide the needed reduction in force, those staff members whose employment will not be renewed or will not be reemployed or whose employment will be otherwise affected will be identified by using the following procedures:

1. Certification

To insure that the certified professional employees retained are qualified to implement the educational programs determined by the Board, all certified professional employees must possess a valid Idaho State Certificate as may be required for the positions available.

2. Retention

- a. Each certified professional employee will, in accordance with the criteria set forth in Section 2 hereof, be considered for retention in the certification/endorsement area to which he/she is presently assigned.
- b. Certified professional employees will be considered for retention in any areas in which they are certified/endorsed, and commit to become highly qualified in as required by the State.
- c. Within each certification category retention will be based upon seniority (on a district wide basis) within areas of certification/endorsement.
- d. The names of certified professional employees who may be considered for RIF will be published within two business weeks of the board of education's declaration of RIF.

3. Selection Within Employment Categories

- a. Certified professional employees will be considered for retention in available positions within the categories or specialties for which they are qualified/endorsed under section 2 and 3 hereof. In the event that there are more qualified certified professional employees than available positions in a given category or specialty, the following criteria will be used to determine which certified professional employees will be retained.
 - i. The employees who have the greatest number of contract years of continuous employment as a certified professional employee within the district. (Certified employees on part-time contracts will earn seniority on a pro-rata basis starting with the 2002-2003 school year).
 - ii. Should the determination in "i" be equal for two or more certified professional employees then the greater total number of contract years

- within the District, including non-continuous years of service as a certificated employee shall determine seniority.
- iii. Should the determinations in "ii" be equal for two or more certified professional employees, then the total years that each certified professional employee has been employed by any educational institution (as recognized by the State Department of Education for placement on the salary schedule) as a certified professional employee shall determine seniority.
 - iv. Should the determinations in "iii" be equal for two or more certified professional employees, then each certified professional employee's number of undergraduate and/or graduate credits as accepted by the District towards placement and advancement on its salary schedule (if applicable) will determine seniority. The current year's contract will be used to determine the number of credits.
 - v. Should the determinations in "i", and "ii", "iii", and "iv" be equal for two or more certified professional employees, the person(s) to be retained will be determined by the employee with the greatest years of teaching in the District.
- b. Certified professional employees who have been granted a leave of absence prior to a reduction in force will retain seniority earned, but leave of absence time will not count towards seniority. The employee's leave of absence will not be considered a break in "continuous employment" status if it is a Board approved leave of absence or sabbatical.
 - c. Updated seniority lists for impacted employees will be established and distributed in a timely fashion to each certified professional employee and will be updated as soon as possible after the identification of the need for RIF by the Administrative Staff of the District.
 - d. Any certified professional employee who wishes to challenge his/her placement on the seniority lists must file a written notice with the Superintendent within five (5) working days immediately following the distribution of any seniority lists and such notice shall identify the basis of the challenges. The Administrative Staff of the District will review all written challenges and will make such changes as may be supported by information contained in the certified professional employee's personnel file. Notification to staff members filing such challenges and to all certified professional employees affected by any changes made shall be given in writing by the Administrative Staff of the District on or before fifteen (15) working days immediately following the initial distribution of the seniority lists. Any certified professional employee adversely affected by any such changes made in the seniority lists shall have (5) days following notification of changes in the lists to file a written challenge which shall be made in the same manner as specified for original challenges. Any certified professional employee failing to challenge his/her placement on the seniority lists within the time limitations as specified shall be deemed to have waived any right to thereafter challenge such placement.

Hearings, Informal Reviews, Etc.

Upon recommendation by the Superintendent to the Board of the certified professional employees to be subject of the RIF and after issuance by the Board of notices of possible nonrenewal, non-reemployment, etc., the District will follow the procedures required by Idaho law, the United States and Idaho State Constitutions and the rules and regulations promulgated by the State Board of Education.

Recall

1. All certified professional employees who are not retained in accordance with these procedures and have been recommended for rehire will be placed in a recall pool for possible re-employment during the first school year immediately following his/her placement in the recall pool. Recall pool certified professional employees will be given the opportunity to fill open positions within the certifications/endorsements for which they are certified/endorsed in reverse order of nonrenewal.
2. Any certified professional employee wishing to remain in the recall pool for a second year must notify the Superintendent or his/her designee in writing between March 15 and April 15 of the certified professional employee's first year in the recall pool. If such notification is not received, the name of any such certified professional employee shall be dropped from the recall pool.
3. The District will notify certified professional employees placed in the recall pool of their obligations, in writing, addressed to the addresses last lodged in their personnel files (including any subsequent written communication advising of a change of address).
4. When a vacancy occurs for which a certified professional employee in the recall pool is certified/endorsed, notification from the School District to such individual will be by certified mail or personal service. Such individual will have five (5) working days from the receipt of the letter to accept the position. If an individual fails to accept a position offered, he/she will be dropped from the recall pool.

If a certified professional employee in the pool has moved and has failed to notify the District of the change of address or if the certified professional employee fails to receive the certified mailing, properly deposited in the United States Mail and addressed to the certified professional employee at the last address shown in the personnel file, the certified professional employee shall be deemed to have refused the offer.

5. The recall pool and the procedures contained herein will not be in effect for employment for any school year except the first two (2) following nonrenewal.

Savings Clause

Should any provision of these standards and procedures be in conflict with other policies of this District, the Statement of Policy shall govern.

If any provision of these standards and procedures be in conflict with the law of the State of Idaho, Rules and Regulations of the State Board of Education or any law applicable to these matters within this jurisdiction, the provisions affected shall be void and the remainder of this Statement of Policy shall remain in full force and effect as though such affected provision had been deleted ab initio.

Cross Reference: 5100 – 5100F3 Hiring Process and Criteria, forms and procedures

Legal Reference: § I.C. 33-514 Issuance of Annual Contracts
§ I.C. 33-515 Issuance of Renewable Contracts
§ I.C. 33-522 Reductions in Force
§ I.C. 33-523 Principals to Determine New Staffing

Procedure History:

Promulgated on: April 9, 2013

Revised on: