

**POLICY TITLE: Reduction in Force
Regarding Certificated Employees
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A reduction in force may occur when the board determines that it is in the best interest of this district to reduce the number of contracted certificated employees for reasons including but not limited to a financial emergency, decrease in enrollment, changes in curriculum, reorganization, or consolidation. Nothing herein shall prohibit the board from eliminating particular courses or portions or all of an educational program, or otherwise restructuring the course offerings to meet the educational needs of the students.

If the board determines that it is necessary to reduce the number of certificated staff members, the board will effect the reductions by implementing this policy after having attempted to reduce the staff to a desired number through attrition and/or reassignment.

Retention will not be based on seniority or contract status. Grandfathered renewable contract employees may be subject to a reduction in force. The board is not required to place a grandfathered renewable contract employee on probation prior to not renewing the contract due to a reduction in force. Such employee is not entitled to a due process hearing, but will be given the opportunity for an informal review.

The board may, at its discretion, terminate a Category B contract, in the event of a reduction in force, at the end of the first year of a two (2) year contract.

Staff retention will be based on a review of relevant factors including, but not limited to, highly qualified status, certification(s), endorsement(s), leadership roles in the school/district, effectiveness in the classroom, master teacher status, and graduate education degree, as well as eligible veteran or preference eligible status. Employees subject to reduction in force under this policy will be presumed to have been performing satisfactorily.

RANKING OF EMPLOYEES

The district will utilize the following process in determining who will be subject to a reduction in force:

1. The superintendent or designee will recommend to the board the category(ies) and number(s) of certificated positions in each category to be reduced. The category(ies) of positions will be determined by grade level and/or subject matter certification and endorsement (i.e., K-8, special education, math, music).
2. Upon approval by the board, the superintendent or designee will assess the qualifications of all certificated employees holding a position in the affected category(ies).

3. In the event that one (1) or more certificated employees in an effected category are not highly qualified for that assignment, he/she will be subject to the reduction in force.
4. In the event that all certificated employees in an affected category are highly qualified and/or the district must reduce additional employees, the superintendent will develop a rubric for assessing the following factors: highly qualified status in multiple categories; multiple certifications; multiple endorsements; leadership roles in the school/district; effectiveness in the classroom as demonstrated by superior or proficient ratings on evaluations; objective measures of student growth, and parent/guardian input; master teacher status; graduate education degree or coursework; and applicable veteran status. The rubric will be communicated to all employees prior to being implemented. The individual with the lowest score on the rubric will be subject to the reduction in force.
5. In the event that two (2) or more certificated employees tie for the lowest score on the rubric, the superintendent will consider whether such individuals have received a letter of reprimand or documented unsatisfactory performance during the current school year. The individual who received a letter of reprimand or documented unsatisfactory performance will be subject to the reduction in force.
6. In the event that two (2) or more certificated employees receive a letter of reprimand or documented unsatisfactory performance during the current school year, the certificated employee to be subject to the reduction in force will be determined by drawing lots or other random method.

Eligible veterans or preference eligible individuals will be given preference for any existing position that is not eliminated, excluding key employee positions. Preference provides for additional consideration by the district, but it does not guarantee the eligible veteran or preference eligible individual a job.

The factors to be considered in assessing the qualifications of certificated employees will be determined by data obtained from the personnel records on file in the district as of the date the board implements the reduction in force policy.

COMPETING FOR OPEN POSITIONS

The district does not allow a certificated employee subject to a reduction in force to “bump” another employee.

NOTIFICATION

Employees on a grandfathered renewable contract who are affected by the implementation of this reduction in force policy will be notified in writing of the non-renewal of their contract not later than the first (1st) day of July.

RECALL RIGHTS

Employees who are not reemployed or whose grandfathered renewable contract is not renewed, as a result of a reduction in force, shall not be entitled to recall rights.

DEFINITIONS. For the purposes of this policy:

Disabled Veteran: Those veterans separated under honorable conditions who:

- (a) Qualify as disabled veterans because they have served on active duty in the armed forces and have a current service-connected disability of ten percent (10%) or more or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the department of veterans affairs; or
- (b) Are purple heart recipients.

Eligible Veteran: Veterans and disabled veterans as defined in this policy and section 65-502, Idaho Code.

Key Employee: An individual specifically hired for an “at will” position that is not a civil service position and where:

- (a) The position requires an advanced degree and the exercise of independent judgment for a majority of the public employee’s duties;
- (b) The primary duty of the position is the management of a department or subdivision of the public employer and the position requires the exercise of independent judgment for a majority of position duties;
- (c) The primary duty of the position is administrative work arising from the management of a department or subdivision of the public employer or administrative work arising from the exercise of the duties of an elected official and the public employee holds a confidential relationship to the appointing or employing officer or elected official; or
- (d) The primary duty of the position is to provide advice or consultation to an elected official and the public employee holds a confidential relationship to the elected official.

Preference Eligible Individual: An individual eligible for preference under section 65-503, Idaho Code or as follows:

- (a) Veterans and disabled veterans as defined in this policy and section 65-502, Idaho Code;

- (b) A widow or widower of any veteran as long as he or she remains unmarried;

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- (c) The wife or husband of a service-connected disabled veteran if the veteran cannot qualify for any public employment because of a service-connected disability.

Reduction in Force: The temporary suspension or permanent [termination of employment](#) of an [employee](#) or group of employees for [business](#) reasons (e.g. certain positions are no longer necessary or due to financial constraints).

Service-connected disability: The veteran is disabled due to injury or illness that was incurred in or aggravated by military service as certified by the federal veterans administration or an agency of the department of defense.

Veteran: Any person who has been discharged or released from active duty in the armed forces under honorable conditions and has:

- (a) Served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955;
- (b) Served on active duty as defined in 38 U.S.C. section 101(21) at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976, not including service under 10 U.S.C. section 12103(d) pursuant to an enlistment in the army national guard or the air national guard or as a reserve for service in the army reserve, naval reserve, air force reserve, marine corps reserve or coast guard reserve;
- (c) Served on active duty as defined in 38 U.S.C. section 101(21) in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992; or
- (d) Served as may be further defined in 5 U.S.C. section 2108.



LEGAL REFERENCE:

Idaho Code Sections

33-514

33-515

65-501, et. seq.

Baker v. Independent School District, 107 Idaho 608 (1984)

ADOPTED: July 14, 1999

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