

Certified Personnel Reduction in Force	D.41
<i>Adopted: July 23, 2013</i>	

I. General Matters

- A. Reasons for a Reduction in Force. A teacher may be nonreemployed when the board decides that due to (i) a financial exigency or (ii) a program change for institutional reasons or (iii) a decline in enrollment or (iv) other business necessity as determined by the board, a reduction in teaching staff is necessary.
- B. Definitions. For the purpose of this policy, the following terms have the stated meanings:
1. "Financial exigency" means a reduction in the school district's financial resources resulting from declining enrollment or any other action or event that in the sole judgment of the board of education will result in a reduction in the school district's current or future operating budget.
 2. "Program change" means any elimination, curtailment or reorganization of a curriculum offering, program or school operation or a reorganization or closing of a school or consolidation of two or more individual schools or school districts that is unrelated to financial exigency.
 3. "Declining enrollment" means a decrease in the school district's total enrollment or enrollment in a particular program or curriculum offering which in the sole judgment of the board of education may adversely affect the school district's current or future allocation of funds and/or the necessity of maintaining certain current or future class sections or curriculum offerings.
- C. Criteria for Eliminating Positions. The primary criterion in effectuating any reduction in force shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school district. In evaluating its program, the superintendent and the board will consider the elimination of teaching positions, not the teachers occupying those positions. In deciding which positions to eliminate, the superintendent and the board will consider the curriculum, the needs of students and those extra duty assignments that require special skill or expertise.
- D. Priority. In determining which teacher(s) will be nonreemployed when one or more of a number of identical positions is eliminated, the following criteria, **in this order**, shall govern:
1. The school district will nonreemploy the teacher(s) who has the lowest composite rating under the school district's Teacher and Leader

Effectiveness Evaluation System (TLE) in the position being eliminated. Ratings will be calculated by averaging the past three (3) years' ratings (or fewer if 3 years are not available) and will be measured to the nearest hundredth of a decimal point.

2. If the teachers are equal under the above criteria, then the teacher(s) who has the most seniority in the school district will be retained.
 3. If the teachers are equal under the above criteria, then the school district will retain the teacher(s) who currently holds a contracted extra duty assignment, IF, after the reduction in force, that teacher will continue to be assigned such extra duty assignment.
 4. If no contracted extra duty assignment exists, the school district will retain the teacher who meets any federal requirements, such as "highly qualified" under No Child Left Behind, for the courses assigned to that teacher.
 5. If the teachers are equal under the above criteria, the school district will retain the teacher with the most advanced academic degree status.
 6. If degree status is equal, the school district will retain the teacher having the most versatile certificate in order to enable the school district to have flexibility in planning future curriculum.
 7. If versatility of certificates is equal, the school district will retain the teacher chosen by lot through a process determined by the Superintendent or the Superintendent's designee.
- E. Bumping. If a teacher's position is eliminated and the teacher scheduled to be nonreemployed (after going through the criteria in section "D" above) has a composite TLE score of effective or above, then in the administration's sole discretion, that teacher may be placed in another position for which the teacher is certified to teach, if the other position is currently held by a teacher who has a composite TLE score that is below effective. Under those circumstances, the teacher with the TLE composite below effective will be nonreemployed. If two (2) or more teachers in a specific position have the same composite scores, then the process of section (D) will be used to determine who is nonreemployed.
- F. Adult Education Teachers. The nonreemployment provisions of the Teacher Due Process Act of 1990 do not apply to adult education teachers. Accordingly, adult education teachers are not covered by the protections of this policy and, unless otherwise required by law, are subject to a reduction in force without notice and without compliance with this policy.

II. Procedures

- A. Action by Superintendent. The superintendent, upon receipt of the board's preliminary determination of the necessity for a reduction in force, or upon the

superintendent's own volition, shall submit to the board the superintendent's written recommendations for terminating particular teaching positions. In making recommendations, the superintendent (i) shall not be limited to considering only positions in the areas or programs designated by the board and (ii) shall consult with each principal or other administrator in whose school or unit a position elimination/termination is proposed and (iii) shall take into consideration the criteria set out herein.

- B. Action by Board. In the absence of a recommendation from the superintendent pursuant to this section, or when the board of education chooses not to accept the superintendent's recommendation, the board may initiate action without such recommendation provided that it adheres to the other provisions of this policy.
- C. Notice and Hearing Procedures. Prior to taking any action to nonreemploy a teacher due to a reduction in force, whether acting on a recommendation of the superintendent or on its own volition, the board shall provide notice and an opportunity for hearing to the affected teacher; provided, however, because the law does not provide nonrenewal hearings for teachers on temporary contracts, no hearing opportunity shall be afforded any teacher on a temporary contract with notice of the expiration of the temporary teacher's contract at the end of the school year being provided to the temporary teacher. The notice and board hearing procedures shall be the same as those provided by Oklahoma law and board policy regarding dismissal and nonreemployment of teachers for cause. Notice of a recommendation of nonreemployment shall be given to the teacher prior to the 1st Monday in June.
- D. Hearing. At the hearing, evidence may be presented by the administration and the teacher, as to (i) whether a reduction in force is reasonably necessary and is being made in good faith and for the best interests of the school district and (ii) whether the recommendation to not renew the specific teacher is being made in good faith and pursuant to the process set out herein.
- E. Effect of Board Decision. The decision of the board based on the evidence presented at the hearing shall be final and unappealable.

III. Reemployment or Other Employment After Reduction in Force

- A. Recall. The recall provisions in this process will only apply and be available to a teacher who had a composite TLE score of at least effective at the time of his/her nonreemployment. For one school year after the effective date of nonreemployment due to a reduction in force, the board of education shall not fill the specific position previously held by a teacher who was nonreemployed due to a reduction in force without first offering such position to the nonreemployed teacher. If more than one nonreemployed teacher is both certified and qualified for a position which the teachers previously held with the school district and which becomes available, the board, after receiving the superintendent's advice, shall select the teacher it believes will best fill the position. Nothing in this policy shall give to any nonreemployed teacher

priority rights to fill a vacancy which becomes available and for which they are certified and qualified unless such position is identical to the position which they previously held with the school district.

- B. Recall Procedures. The offer of reemployment shall be made personally or 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 five (5) calendar days of receipt of notice or within ten (10) calendar days of the postmark on the envelope in which the offer is mailed, whichever is shorter. Failure to receive timely acceptance of the offer of reemployment eliminates all reemployment rights of the teacher.

- C. Status After Recall. A career teacher who has been nonreemployed and who is then reemployed within one school year shall be reinstated as a career teacher. A probationary teacher who is nonreemployed but is then reemployed within one school year shall be given credit for the time already served as a probationary teacher for the purpose of determining eligibility for career teacher status.

IV. Interpretation and Application

The interpretation and application of any provision of this policy shall be the exclusive province of the board of education.