

REDUCTION IN PROFESSIONAL STAFF WORK FORCE

A decrease in enrollment, abolition of particular subjects, a decrease in the School Board's budget as approved by the appropriating body, a consolidation of schools, the phasing out of programs, departments or grade levels and other conditions may cause a reduction in the number of staff needed in a building, program or department or in the entire school division.

General reduction in total personnel and redistribution of personnel within designated programs shall be done in accordance with regulations adopted by the Board. The regulations will not provide for reductions to be made solely on the basis of seniority; they will include consideration of the performance evaluations of the teachers potentially affected by the reduction in workforce.

Adopted: September 10, 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304.

Cross Ref.: GCG Professional Staff Probationary Term and Continuing Contract

REDUCTION IN PROFESSIONAL STAFF WORK FORCE

A. In General

A decrease in pupil enrollment, inadequate allocation of financial resources, expiration of special grants, and/or other unforeseen conditions may require a modification of the curriculum or instructional program which could result in a reduction in staff. In such event, the school board, upon recommendation of the superintendent, shall determine the program adjustments to be made and the reduction in force required. The application of the reduction-in-force policy shall be for the division as a whole rather than for individual schools. Seniority lists will be prepared for professional personnel under continuing contract with five or fewer years of experience on July 1, 1987 and each succeeding year. The same principles and procedures will apply if a seniority list covering more than five years of experience should be required. This policy shall apply to certificated teaching personnel under continuing contract, school administrative personnel under continuing contract, and central administrative and service personnel under continuing contract.

Emphasis will be given to seniority but other criteria such as performance evaluations, multi-endorsements, extra-curricular involvements and specialty endorsements will be considered before final decisions are made in reduction in professional staff work force.

B. Definition of Terms

1. Classification of Personnel

- a. **Certificated Teaching Personnel under Continuing Contract**
Certificated teaching personnel under continuing contract shall include those employees of the school board who, by reason of their position, must have teaching certification from the State Board of Education.
- b. **School Administrative Personnel under Continuing Contract**
School administrative personnel under continuing contract shall be those persons who have been assigned to building-level administrative positions.
- c. **Central Administrative and Service Personnel under Continuing Contract**
Central administrative and service personnel under continuing contract shall be those persons who have been assigned to central office administrative and service positions.

2. Seniority

Seniority shall be that period of time commencing with the most recent term of continuous service with the Wise County Public Schools, including authorized leave(s) but excluding employment under temporary or interim contracts. Should a tie exist within the same classification of personnel, the tie shall be broken in the sequential order below:

- a. Official beginning date of employment
- b. Total time of professional service with the Wise County Public Schools
- c. Total time of professional service as reflected on the employee's contract
- d. Administrative decision

3. Endorsement Areas

The teaching endorsements shown on the current teaching certificate as issued by the State Department of Education.

1. Seniority Lists

- a. The seniority lists for certificated teaching personnel under continuing contract will be shown in descending order of seniority and shall be comprised of categories for the various endorsement areas.
- b. The seniority lists for school administrative personnel under continuing contract will be shown in descending order of seniority and shall be comprised of categories based on job designations.
- c. The seniority lists for central office administrative and service personnel under continuing contract will be shown in descending order of seniority and shall be comprised of categories based on job designations.
- d. Experience Credit
 - 1) The certificated teaching employee under continuing contract shall be entered on all seniority lists in areas for which he/she is actively assigned or endorsed at the time the lists are prepared.
 - 2) School administrative personnel under continuing contract shall be entered on seniority lists in which they last taught or as recommended by the superintendent and approved by the school board.
 - 3) Central office administrative and/or service personnel under continuing contract shall be entered on seniority lists in which they last taught or as recommended by the superintendent and approved by the school board.

2. Active Assignment

The endorsement, administrative, or service area in which the individual is actively employed and assigned at such time as it may become necessary to implement reduction- in-force procedures.

C. Destaffing Procedures

1. **Certificated Teaching Personnel- -Continuing Contract Teachers:**
(See Code of Virginia, §22.1-303 and §22.1-304.) Destaffing of certificated teaching personnel under continuing contract will be based on the multiple criterion as defined in Section A of this policy.
2. **Certificated Teaching Personnel- -Probationary Contract Teachers**
Destaffing of certificated teaching personnel under probationary contract will be in accordance with the procedures set forth in the Code of Virginia, §22.1-305. Destaffing of certificated teaching personnel under probationary contract after April 15 of each school year will be in accordance with the provisions of Code of Virginia, §22.1-303 and §22.1-304. No certificated teacher under continuing contract shall be destaffed because of a reduction in force until all certificated teachers under probationary contract in the same category of assignment have been destaffed.
3. **School Administrative Personnel under Continuing Contract**
Should a school administrator under continuing contract be eliminated as a part of a reduction in force, the school administrator may be reassigned to a teaching position in accordance with the provisions set forth in the Code of Virginia, §22.1-294. If an involuntary transfer of a school administrator to a teaching position occurs, they will be given their current salary for the first year of reassignment and will then be placed on the teacher salary scale the second year.
4. **Central Office Administrative and/or Service Personnel under Continuing Contract**
Should a central office administrative or service employee under continuing contract be eliminated as a part of a reduction in force, the central office administrative or service employee may be reassigned to a teaching position in accordance with the provisions set forth in the Code of Virginia, §22.1-294. If an involuntary transfer of a Central Office Administrator and/or Service Personnel to a teaching position occurs, they will be given their current salary for the first year of reassignment and will then be placed on the teacher salary scale the second year.
5. **Transfers**
Transfers will be made within the school division when feasible to accommodate the retention of employees having seniority in the areas affected by the reduction in force. The selection of personnel to be transferred from one school or facility to another will be governed by the need to maintain the maximum effectiveness of the schools and programs involved as determined by the superintendent. Should a person refuse an assignment by transfer, he/she may be terminated and will not be listed for recall.
6. **Exception**
The provisions of Section C of this policy shall not apply in those cases where the employment of certificated teachers whose special skills and/or active assignments is essential to the effective operation of the school program. The

termination of essential certificated teachers shall be solely at the discretion of the school board upon the recommendation of the superintendent.

7. Notification

All employees scheduled for destaffing under this policy shall be notified in writing at the earliest possible date but in no case later than April 15 unless inadequate funding or decrease in enrollment after that date requires further adjustments. (See Code of Virginia, §22.1-304.)

D. Recall Procedures

1. The provisions for recall shall apply to all professional personnel under continuing contract.
2. Certificated teaching employees under probationary contract shall have no recall rights but will be given consideration for re-employment at the discretion of the school board upon the recommendation of the superintendent.
3. When an opening occurs, the eligible person with the greatest value to the division will be offered the position. If the opening is in a teacher's active assignment, he/she must accept the assignment or lose all recall rights.

If the opening is in a teacher's endorsement area but not in his/her active assignment, he/she has the option of not accepting the assignment. Eligible certificated employees under continuing contract who have not been recalled within three years from the time of notification of destaffing will have no further recall rights.

4. When an eligible employee is to be recalled, he/she will be notified by certified mail, receipt requested, at his/her last known address. If the offer of employment is not accepted in writing within ten work days of receipt of notice, rights or recall will be forfeited. If notice of recall is undeliverable, rights or recall will be forfeited. It shall be the responsibility of the employee to maintain an accurate and updated address with the Wise County School Board Office.
5. The employee will not be eligible for recall if:
 - a. The employee, subsequent to termination, makes contractual commitments with another school or school division from which release cannot be obtained prior to July 15. This restriction shall apply to the two years of eligibility for recall.
 - b. The employees fails to maintain a valid certificate to teach.
 - c. The employee, subsequent to termination, becomes unable to qualify for a position in his/her area of endorsement.
6. Official seniority lists prepared under this policy shall be maintained at the School Board Office. Copies of this list will be available in the principal's office. An employee to be affected by a reduction in force may contact the director of personnel to verify his/her position on the seniority lists after he/she has

received notification. Endorsements obtained subsequent to the preparation of seniority lists will not be recognized until all eligible certificated employees on said lists are recalled or forfeit the right or recall.

7. Upon receipt of employment on recall, eligible employees will resume an appropriate placement on the salary schedule and will not receive credit for the time that they were not employed.

E. Board Minutes

To avoid negative implications with regard to the professional recall of an employee destaffed under this policy, the minutes of the board will clearly show that such termination of employment was due to a reduction in force.

F. Statement of Condition

If any clause, sentence, paragraph, subdivision, section or part of this policy shall be adjudged by a court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Legal Reference: Code of Virginia, §22.1-294, §22.1-303, §22.1-304, and §22.1-305

Amended: March 9, 2009

Amended: May 12, 2015