

## **REDUCTION IN FORCE-REGULATION**

### **A. Reduction in Force**

The Regional School Board, upon the recommendation of the Director, 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 school as a whole. This reduction in force regulation is applicable to licensed teachers.

### **B. General Provisions**

1. The school will develop and maintain seniority listings for each of the teaching position classifications being reduced.
2. Teachers on the recall list, with proper application, will be eligible for temporary positions such as part-time and substitute positions. Acceptance of these positions will not affect their recall rights.
3. Released teachers have the option of continuing their group health care coverage for up to eighteen (18) months by paying the group rate plus the administrative fee on a monthly basis.
4. Upon reemployment, all rights related to salary, fringe benefits, and length of service shall be fully restored. However, time which has elapsed between release and reemployment will not count toward length of service.

### **C. Teachers**

1. Teachers shall mean a person who holds a current teaching certificate issued by the State Department of Education, who is employed on a full-time contractual basis by the Maggie L. Walker Governor's School (MLWGS), and who has been placed on the teacher's salary schedule by formal action of the Regional School Board.
2. The layoff of teachers due to reduction in force shall be accomplished according to the following provisions:
  - a. The Regional School Board, on the recommendation of the Director, shall determine the specific endorsement areas applicable to the instructional programs in which reductions need to be made and the extent of those reductions.
  - b. The Regional School Board, on the recommendation of the Director, shall then determine which individuals, if any, shall be laid off. The primary factor to be considered in making both the recommendation and determination shall be seniority, with the performance evaluations of the teachers potentially affected by the reduction in workforce being another factor to be considered, as provided for in this regulation.
  - c. Seniority shall be that period of time commencing with the most recent term of continuous full-time service as certificated employee with MLWGS including

authorized leave. The initial date of employment shall be the date of appointment to a teaching position, as distinguished from the date of the Regional School Board meeting where such an appointment was approved. The date of appointment is defined as the first contractual date of employment. If two or more teachers have the same length of service, they are ranked by date of contract offer that begins the most recent period of continuous service, as indicated by the date of contract or letter of intent, and, if necessary, date of receipt of most recent application resulting in employment, and finally, by lot. Each teacher shall be placed on the seniority list for the endorsement area or instructional program in which he or she is actively assigned.

- d. A teacher who holds current endorsement in an area previously taught on a full-time basis within the past seven years will be placed on the seniority list for that endorsement area.
3. Released continuing contract teachers shall be offered reemployment as vacancies occur. When a vacancy occurs, the most senior released employee will be recalled first. No new teachers shall be employed for an area or program until all properly certified continuing contract teachers released from such assignment have been provided with the opportunity of filling the available positions. A teacher on continuing contract shall have the right to be offered a position by recall letter, pursuant to the provisions of this paragraph, for a period of fifteen (15) months from the date of the teacher's release. Such recall letter shall be sent by certified mail. It shall be the responsibility of the teacher to keep the school informed of the teacher's current address. A teacher's eligibility for recall shall terminate if he or she:
    - a. Fails to respond affirmatively in writing fifteen (15) calendar days after the mailing of a recall letter offering him or her a teaching position;
    - b. Otherwise indicates in writing that he or she no longer wishes to be considered for recall; or,
    - c. Fails to maintain certification requirements.
  4. The provisions of Section C. shall not apply in those cases where the employment of teachers whose special skills and/or active assignment is essential to the effective operation of the school. The determination of essential personnel shall be at the sole discretion of the Regional School Board upon recommendation of the Director.

#### D. School Board Minutes

So that there will be no negative implications regarding the professional record of an employee laid off under these regulations, the minutes of the Regional School Board will clearly show that such termination of employment was due to a reduction in force.

#### E. Seniority Lists

This regulation will be activated upon recommendation of the Director to the Regional School Board. It will not be necessary for the school to establish seniority lists, etc., until such time as notified by the Director.

#### F. Effect on Term of Contract

Nothing in this regulation shall be construed as granting an employee on a term contract the right to employment beyond the term of his or her contract or to grant such person a property interest in employment beyond the term of his or her present contract. Teachers on probationary or provisional contract status or serving under any type of contract other than continuing are serving pursuant to a Term Contract.

#### G. Release for Other Reasons

Determinations to release employees as a result of misconduct or unsatisfactory job performance as warranted through the employee evaluation process shall be processed in accordance with applicable policies controlling such determinations and not through this reduction in force regulation.

#### H. Interpretations

The Regional School Board realizes that questions will arise about the application of the regulation to a specific case. Consequently, interpretations of this regulation shall be made by the Director when necessary. Any such interpretation shall be presumed valid until specifically ruled otherwise by the Regional School Board.

Adopted: January 16, 2014

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-304, 22.1-305(G).

Cross Ref.: Policy 5060