

## REDUCTION IN 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: August 14, 1996

Adopted: July 19, 2002

Adopted: May 2003

Adopted: March 25, 2009

Revised: June 26, 2013

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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 STAFF WORK FORCE

### Reduction in Force (RIF)

#### A. In General

In the event the Dickenson County School Board must reduce the number of staff members this regulation may be used in conjunction with normal employee attrition, any approved retirement incentives and the provisions of section 22.1-304 of the Code of Virginia regarding probationary teachers. Reductions may result from consolidation of schools, a decrease in enrollment, elimination and/or cutbacks of programs or subjects, lessening of available local, state, and federal funds, and other similar circumstances.

In the event of such circumstances, it shall be the sole discretion of the Board, upon the recommendation of the division superintendent, to determine the necessity of a reduction in force of personnel and program adjustment.

All reductions shall be based on the best interests of the school system for maintenance of a sound and balanced educational program which meets the laws and regulations by which the Board is governed. Nothing herein shall be construed to limit the authority of the Board to achieve reductions in its budget by providing appropriate and timely notices to non-tenured staff (specifically including, without limitation, probationary teachers pursuant to section 22.1 – 304 and/or 22.1-305 of the Code of Virginia). Probationary staff and support staff have no legal right or expectation of continuing employment and the provisions of this policy are inapplicable to such employees. Such staff is terminable at the will and discretion of the Board.

The application of the reduction-in-force policy shall be division wide rather than for individual schools.

#### B. Definition of Terms

##### 1. Classification of Personnel

###### a. Licensed teaching personnel

Licensed teaching personnel shall include those employees of the school board who, by reason of their position, must have a teaching license from the State Board of Education.

###### b. School Administrative Personnel

School Administrative Personnel shall be those persons who have been assigned to building-level administrative positions.

###### c. Central Administrative Personnel

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Central Administrative Personnel shall be those persons who have been assigned to central office administrative and service positions.

2. Evaluation Ratings

Evaluation ratings shall mean Summative Ratings of Exemplary, Proficient, Developing/Needs Improvement and Unacceptable on a formal evaluation as per Virginia Code 22.1-304

3. Seniority

The period of service will commence with the most recent term of continuous employment with the Dickenson County Schools, including authorized leave(s). Seniority will be determined by paid service during this period (complete years and/or days of service based on the school calendar). Should a tie exist within the same classification of personnel, the tie shall be broken in the sequential order below:

- a. Total time of professional service with Dickenson County Public Schools.
- b. Total time of professional service as reflected on the employee's school record.
- c. Selection by lot.

4. Endorsement Areas

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

5. Seniority Lists

- a. The seniority lists for licensed teaching personnel will be shown in descending order of seniority and shall be comprised of categories of the various endorsement areas.
- b. The seniority lists for school administrative personnel 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 will be shown in descending order of seniority and shall be comprised of categories based on job designations.
- d. Experience credit

1.) The licensed teaching employee shall be entered on all seniority lists in areas for which he/she is endorsed at the time the lists are prepared.

2.) School administrative personnel shall be entered on seniority lists for total years experience in Dickenson County in all areas for which they hold endorsements.

3.) Central office administrative and/or service personnel shall be entered on seniority lists for total years experience in Dickenson County in all areas for which they hold endorsement.

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## C. Destaffing Procedures

### 1. Licensed Teaching Personnel – (See Code of Virginia S22.1-303 and S22.1 – 304)

Destaffing of licensed teaching personnel will be made in the following order without regard to probationary or contract status:

- a. Least senior licensed employees within the endorsement or programmatic area to be reduced who have received unacceptable summative ratings for the most recent formal evaluation cycle.
- b. If none, the least senior licensed employees within the endorsement or programmatic area to be reduced who have received developing/needs improvement summative ratings for the most recent formal evaluation cycle.
- c. If none, the least senior licensed employee within the endorsement or programmatic area to be reduced.

### 2. School Administrative Personnel

Should a school administrator 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, S22.1-294 or that administrator may be terminated, based upon the current qualifications and capacities of that administrator.

### 3. Central Office Administrative Personnel

Should a central office administrative be eliminated as a part of a reduction in force, the central office administrative may be reassigned to a school administrator position, a teaching position in accordance with the provisions set forth in the Code of Virginia S22.1-294 or that administrator may be terminated, based upon the current qualifications and capacities of that administrator.

### 4. Transfers

Transfers will be made within the school division when feasible to accommodate the retention of employees having seniority in the area affected by 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 seniority according to endorsed areas. Should a person refuse an assignment by transfer, he/she may be terminated and will not be listed for recall.

5. 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 July 1 (See Code of Virginia, S22.1-304).

6. Exception

The provisions of Section C of this policy shall not apply in those cases involving employment of licensed teachers, administrators and central office personnel who possess special endorsements or skills and/or have a capacity for extracurricular assignments that are required for the effective operation of the school program (including but not limited to, specialized training, coaching and the operation of school buses). In such cases, the adjustment of any procedures associated with a reduction in force shall be solely at the discretion of the School Board, upon the recommendation of the Division Superintendent, and based upon the overall needs of the school system.

D. Recall Procedures

1. The provisions for recall shall apply to all professional personnel.
2. When an opening occurs, professional licensed personnel reduced pursuant to this policy shall be listed by teaching area and ranked in order of seniority. When openings occur, the eligible person with the greatest seniority and a proficient or higher summative evaluation rating will be offered the position. Eligible licensed employees who have not been recalled within three years from the time of notification of destaffing will have no further recall rights.
3. 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, all rights of recall will be forfeited. If notice of recall is undeliverable, all rights of recall will be forfeited. It shall be the responsibility of the employee to maintain an accurate and updated address with the Dickenson County School Board.
4. The employee will not be eligible for recall if:
  - a. The employee, subsequent to termination, made contractual commitments with another school or school division from which release cannot be obtained prior to July 15. This restriction shall apply to the three years of eligibility for recall.
  - b. The employee fails to maintain a valid license to teach.
5. 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 after all eligible licensed employees on said lists are recalled or forfeit the right of recall.

6. Upon return to employment on recall, eligible employees will resume an appropriate placement on the salary schedule and will not receive credit for the time they were not employed.
7. Unused sick leave accrued prior to termination will be reinstated (unless the employee has received compensation for said unused sick leave) upon recall to duty.
8. Licensed personnel terminated because of the reduction policy, if desired, will be given priority on the substitute teacher list.

E. Personnel Record

To avoid negative implications with regard to the professional record of a teacher destaffed under this policy, the personnel record and the minutes of the School 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 adjudicated by any 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 S22.1-294; S22.1 – 303; S22.1-304 and S22.1-305

Approved: June 6, 2016