

INSTRUCTIONAL STAFF/ADMINISTRATIVE STAFF REDUCTION IN FORCE

Code **GCQA/GCQB** Issued **3/05**

Purpose: To establish the basic structure for any needed reduction in professional staff.

Recognizing that the board has the responsibility to maintain appropriate public elementary and secondary schools, the board must give primary consideration to the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the district. Further recognizing, however, that it may become necessary for the board to eliminate certificated staff positions due to decreases in student enrollment, changes in curriculum, district reorganization, financial exigency or other circumstances, the board publishes this policy to provide a fair and orderly process should such eliminations become necessary. The following is the only process that may be used in a reduction in force.

Procedure

Once the superintendent has determined that elimination of certificated staff positions is desirable or necessary, the superintendent will determine what position(s) must be eliminated and what individual(s) are to be terminated and will present his/her recommendations to the board for approval.

Prior to commencing action to terminate certificated staff members under this policy, due consideration will be given to the ability to achieve position elimination and/or reduction in staff by voluntary retirement or resignation, transfer, voluntary leaves of absence and part-time employment.

In the event termination of certificated staff is required, the district will adhere to the following guidelines.

- Reduction in force terminations will be on a district-wide basis; therefore, the superintendent will not be limited to considering only those employees in the particular school, area or program in which the loss of enrollment, reorganization, curriculum change, financial exigency or other circumstance has occurred.
- The recommendation concerning specific employees to be terminated under this policy will be based upon the following considerations.
 - professional experience
 - area(s) of certification
 - education level
 - performance evaluation
 - attendance record
 - experience in other areas of certification
 - principal's or supervisor's recommendation
 - type of contract
 - extracurricular needs of the schools
 - any other factor considered appropriate by the superintendent

The superintendent will determine the appropriate weight to give to these factors depending on the needs and circumstances of the district. Length of service in the district will be a consideration only where the need arises to choose for termination from among employees considered by the administration to be equally competent in their performance.

PAGE 2 - GCQA/GCQB - INSTRUCTIONAL STAFF/ ADMINISTRATIVE STAFF REDUCTION IN FORCE

Notice to individual employee

Written notice of board action to terminate pursuant to this policy will be sent to the affected employee(s) by certified mail, return receipt requested, and by regular U.S. mail. The notice will include a statement of the conditions requiring termination of employment and a general description of the procedures followed in making the decision.

Review of individual termination

Within 10 calendar days after receiving a notice of termination under this policy, an employee may request a hearing on the matter before the board. Any such request will be in writing and addressed to the chairman of the board. The request for review will specify the grounds on which it is contended that the decision to terminate was arbitrary, discriminatory or otherwise improper and must include a short, plain statement of facts that the employee believes supports his/her contention. The hearing will be held within 30 calendar days after the request is received.

The hearing will be conducted in an informal manner as determined by the board. The employee may be accompanied by legal counsel and will be required to satisfy the board by clear and convincing evidence that the decision to terminate was arbitrary, discriminatory or otherwise improper. The employee will be notified within 10 calendar days following the hearing of the board's decision.

Obligation with respect to re-employment

For two years after the effective date of a termination pursuant to the provisions of this policy, the board will not replace the employee whose employment has been terminated without first giving due consideration towards the re-employment of the terminated employee.

An employee who has been terminated under this procedure, but who is recalled to employment within two years will have restored to him/her all of the sick leave accrued on the effective date of termination.

Adopted 8/18/81; Revised 8/13/91, 3/8/05

Legal References:

- A. S.C. Code, 1976, as amended:
 - 1. Section 59-25-415 - Rehiring of employees terminated for economic reasons.