

REDUCTION IN PROFESSIONAL STAFF WORK FORCE  
REGULATIONS

A. Reduction in Force

A decrease in pupil enrollment, insufficient funding, changes in educational programs, expiration of special grants, curtailment of certain course offerings, budgetary changes and other unforeseen conditions may require a modification of the educational program which may require a reduction in teaching, classified and administrative/supervisory personnel. In such event the School Board, upon the recommendation of the superintendent, shall determine the program adjustments to be made and the reduction in force required.

All reductions shall be based on the general needs of the school division and the maintenance of a sound and balanced educational program consistent with the requirements of the Commonwealth and the functions and responsibilities of the School Board.

B. Teachers

1. "Teacher" shall mean a person who holds a current teaching license issued by the Virginia Department of Education, who is employed on a full-time or part-time contractual basis by the Madison County Public Schools, and who has been placed on the teachers' salary schedule by formal action of the School Board. Librarians and guidance counselors shall be considered teachers for purposes of this policy.
2. A reduction in force shall be accomplished according to the following provisions:
  - a. The School Board, on the recommendation of the superintendent, shall determine the specific endorsement areas of instructional programs in which reductions or modifications need to be made and the extent of those reductions and modifications.
  - b. The School Board, on the recommendation of the superintendent, shall then determine which positions, if any, shall be eliminated or modified.
  - c. Order of Reduction:
    - 1) Program and/or Position Elimination
 

If the School Board determines, upon recommendation of the division superintendent, that a reduction is necessary and would be best accomplished through program elimination and/or the elimination of specific positions (either because the duties of the job shall be eliminated or combined with the duties of some other position(s)), then reduction shall occur by program and/or by specific positions and professional employees employed in such eliminated program and/or specific positions shall be reduced.
    - 2) Reduction by Endorsement Areas on a Division – Wide Basis
 

If the School Board determines, upon recommendation of the division superintendent, that either a further reduction is necessary after eliminating one or more programs or one or more specific positions, or that a reduction is not best accomplished through program elimination or specific position elimination, then reduction shall occur division-wide by endorsement area. In developing a Reduction-in-Force plan division-wide by endorsement area, the division superintendent shall make reduction recommendations by applying the following criteria in no order of preference to all professional employees currently working in an endorsement area:

(continued)

MADISON COUNTY SCHOOL BOARD

- Program or class demand based on enrollment history;
- Employee licensure, fully licensed compared to provisionally or locally licensed;
- Other qualifications, such as Highly Qualified/Qualified, dual enrollment qualified;
- The employee's current and previous performance evaluations;
- The employee's contributions to the total school program, including its co – curricular and extracurricular programs;
- The employee's endorsements;
- The employee's contract status (continuing contract or probationary contract;
- full-time or part-time); and
- The employee's seniority.

When seniority/length of service is a factor in deciding order of release or order of recall under paragraph b.3.a., it shall mean that period of time constituting the individuals most recent term of service as a licensed employee with the Madison County Public Schools, including authorized leave but excluding temporary interim substitute or part-time employment.

Seniority lists of all teachers to be determined under this policy shall be prepared and maintained in the superintendent's office. Seniority lists shall be managed in such a way as to protect the confidentiality of the teachers.

If between two or more teachers, the length of service within classification in the local school division is equal, the highest teaching license shall control; and if the type of teaching license is equal, the length of total prior teaching experience within classification shall control. Should a tie in seniority exist, after consideration of these facts, seniority will be assigned by drawing of names with the first name drawn given seniority as between the two (or more) employees between whom a tie exists. For purposes of this policy only, teachers who are contracted to work a minimum of 200 days will be credited with one full year of service.

- d. As an alternative to a reduction in force, each teacher in the affected endorsement area or instructional program who is recommended for release from his or her current assignment shall have the right to be considered on the basis of the criteria in paragraph B.2.c. for assignment to a currently vacated position in all programs or instructional areas for which the teacher has fully met the endorsement requirements. It will be the responsibility of the teacher to notify the assistant superintendent of administration in writing of his or her interest in applying for current vacant positions.

### 3. Recall

- a. Seniority: Each teacher who is not retained in the employ of the school division by operation of this policy shall be placed on the seniority list for the endorsement area or instructional program in which he or she is actively assigned. In addition teachers released from their active assignment shall be placed on the seniority lists in any other areas or programs for which they have a right to be considered pursuant to paragraph B.2.d.
- b. Procedures for Recall: Released teachers shall be offered re-employment as vacancies occur in their endorsement area(s). The Superintendent shall recommend to the School Board in order of seniority which released employees will be offered the positions. If approved by the School Board for recall, the released teacher(s) will be sent a recall letter by certified mail to the teacher's last known address. No new teachers

shall be employed for an area or program until all properly certified and endorsed teachers released from such area or program, and who have a current right to recall, have been provided with the opportunity of filling the available positions.

It shall be the responsibility of the teacher to keep the personnel office informed of the teacher's current address.

Generally, a teacher shall have rights of recall, pursuant to the provisions of this paragraph, for a period of fifteen (15) months from the date of the teacher's release. A teacher's eligibility for recall shall terminate if he or she:

- 1) Fails to respond affirmatively in writing fifteen (15) calendar days after the mailing of a recall letter offering him or her a teaching position;
  - 2) Otherwise indicates in writing that he or she no longer wishes to be considered for recall; or
  - 3) Fails to maintain licensure requirements.
4. The provisions of section B 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 program. The determination of essential personnel shall be at the sole discretion of the School Board upon the recommendation of the superintendent.

C. Classified Personnel

1. "Classified Personnel" are defined as those persons assigned full-time or part-time to a non-certified position by action of the School Board.
2. A reduction in force shall be accomplished to the following provisions:
  - a. The School Board, upon the recommendation of the superintendent, shall determine the specific position classifications in which a reduction in force needs to be made and the specific number of positions therein needed to be reduced.
  - b. The School Board, on the recommendation of the superintendent, shall determine which positions, if any, shall be eliminated or modified within the position classification.
  - c. Any or all of the following factors, which are not listed in order of preference, shall be used in determining the order of release:
    - 1) Job performance, current or past
    - 2) Certifications
    - 3) Length of service
    - 4) Extended responsibilities
  - d. Classified personnel shall have the rights provided teachers in paragraph B.2.d. for other current positions which the superintendent determines to have generally similar duties and for which the person is otherwise qualified. Released classified personnel shall have rights to recall for positions for which the person is qualified in accordance with paragraph B.3.

D. Administrative/Supervisory Personnel

1. "Administrative/Supervisory Personnel" are defined as those persons appointed to the administrative/supervisory positions by the School Board.
2. The School Board, upon the recommendation of the superintendent, shall determine the specific position classifications in which a reduction in force needs to be made and the number of positions therein to be reduced or modified.
3. Order of Release:
  - a. When there is only one person in a position classification which must be reduced, that person shall be released by the School Board on the recommendation of the superintendent, unless the superintendent considers such employee for another administrative or supervisory position pursuant to paragraph "C." of this section.
  - b. Where there is more than one person in a position classification, the School Board on the recommendation of the superintendent, shall determine which individual(s) shall be released. The primary factors to be considered in making both the recommendation and determination shall be the specific needs of the school division, as well as any qualifications the individual(s) might possess and his or her current and past job performance.

In those cases where no significant difference exists after a review of these factors, the recommendation and determination shall be based on seniority, as determined by paragraph "B.2.c.," the least senior employee being released first.

- c. An administrative/supervisory employee who is recommended for release from his or her present position may be considered for other positions which the superintendent determines to have generally similar duties and for which the person is otherwise qualified. For purposes of this policy only, an administrator or supervisor who achieved continuing contract status in Madison County as a teacher prior to taking the administrative or supervisory position and who is recommended for release, shall also be considered under section B.2.d. of this policy for assignment as a teacher in the program or area for which he or she is qualified providing his or her endorsement is still valid.

Released administrative employees shall have rights to recall for any position for which they are qualified under the procedure set out in paragraph B.3.

E. Benefits

- a. Upon Release: Any employee released under this policy shall have the option of continuing their group health care coverage for up to eighteen (18) months by paying the full premium on a monthly basis.
  - b. Upon Re-Employment: Upon re-employment, all rights related to salary, fringe benefits, and length of service shall be restored in accordance with the circumstances at the time of re-employment; however, time which has elapsed between release and re-employment will not count toward length of service.

F. Board Minutes

So that there will be no negative implication regarding the professional record of an employee released under this policy, the minutes, if any, of the School Board shall clearly show that such termination of employment was due to a reduction in force.

G. Effect on Term of Contract

Nothing in this policy 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.

H. Grievability

The provisions of this policy are not subject to the grievance procedure.

Adopted: March 11, 1985

Revised: October 11, 2010

---

---

Legal Ref.: Code of Virginia, § 22.1-305.