

A reduction in force may occur when the board determines that it is in the best interest of this district to reduce the number of contracted certificated employees for reasons including but not limited to a financial emergency, decrease in enrollment, changes in curriculum, reorganization, or consolidation. Nothing herein shall prohibit the board from eliminating particular courses or portions or all of an educational program, or otherwise restructuring the course offerings to meet the educational needs of the students.

If the board determines that it is necessary to reduce the number of certificated staff members, the board will effect the reductions by implementing this policy after having attempted to reduce the staff to a desired number through attrition and/or reassignment.

Eligible veterans or preference eligible individuals will be given preference for any existing position that is not eliminated, excluding key employee positions. Preference provides for additional consideration by the district, but it does not guarantee the eligible veteran or preference eligible individual a job.

OPTION 1: RETENTION NOT BASED ON SENIORITY

Retention will not be based on seniority. Renewable contract employees may be subject to a reduction in force. The board is not required to place a renewable contract employee on probation prior to not renewing the contract due to a reduction in force. Such employee is not entitled to a due process hearing, but will be given the opportunity for an informal review.

If the board terminates a Category 1 employee pursuant to a reduction in force at the end of the contract term, a written evaluation is not required and the Category 1 employee is not entitled to a review by the board of the decision to not reemploy the individual.

The board may, at its discretion, terminate a Category 2 contract, in the event of a reduction in force, at the end of the contract term. A written evaluation is not required when the Category 2 employee is terminated subject to a reduction in force. A Category 2 employee shall be provided with a written statement by the Board setting forth the reasons for non-reemployment on or before May 25th. Upon request, the Category 2 employee will be given an opportunity for an informal review by the board.

The board may, at its discretion, terminate a Category 3 contract, in the event of a reduction in force, at the end of the contract term. A written evaluation must be performed prior to the beginning of the second semester. A Category 3 employee shall be provided written notice by the Board, no later than May 25th whether he or she will be reemployed for the next ensuing year. Upon request, the Category 3 employee will be given an opportunity for an informal review by the board, as set forth in Policy No. _____.

Staff retention will be based on a review of relevant factors including, but not limited to, highly qualified status, certification(s), endorsement(s), leadership roles in the school/district, effectiveness in the classroom, master teacher status, and graduate education degree, as well as

eligible veteran or preference eligible status. Employees subject to reduction in force under this policy will be presumed to have been performing satisfactorily.

RANKING OF EMPLOYEES

The district will utilize the following process in determining who will be subject to a reduction in force:

- 1. The superintendent or designee will recommend to the board the category(ies) and number(s) of certificated positions in each category to be reduced. The category(ies) of positions will be determined by grade level and/or subject matter certification and endorsement (i.e., K-8, special education, math, music).*
- 2. Upon approval by the board, the superintendent or designee will assess the qualifications of all certificated employees holding a position in the affected category(ies).*
- 3. In the event that one (1) or more certificated employees in an effected category are not highly qualified for that assignment, he/she will be subject to the reduction in force.*
- 4. In the event that all certificated employees in an affected category are highly qualified and/or the district must reduce additional employees, the superintendent will develop a rubric for assessing the following factors: highly qualified status in multiple categories; multiple certifications; multiple endorsements; leadership roles in the school/district; effectiveness in the classroom as demonstrated by superior or proficient ratings on evaluations; objective measures of student growth, and parent/guardian input; master teacher status; graduate education degree or coursework; and applicable veteran status. The rubric will be communicated to all employees prior to being implemented. The individual with the lowest score on the rubric will be subject to the reduction in force.*
- 5. In the event that two (2) or more certificated employees tie for the lowest score on the rubric, the superintendent will consider whether such individuals have received a letter of reprimand or documented unsatisfactory performance during the current school year. The individual who received a letter of reprimand or documented unsatisfactory performance will be subject to the reduction in force.*
- 6. In the event that two (2) or more certificated employees receive a letter of reprimand or documented unsatisfactory performance during the current school year, the certificated employee to be subject to the reduction in force will be determined by drawing lots or other random method.*

OPTION 2: RETENTION BASED ON SENIORITY

Staff reduction procedures in this policy will apply only to certificated personnel on renewable contracts. Certificated personnel on annual contracts are not entitled to the rights set forth in this policy.

Staff retention will be based on seniority, certification, and endorsement held at the time of

implementation of the reduction in force, as well as according to eligible veterans consistent with this policy. Employees subject to reduction in force under this policy will be presumed to have been performing satisfactorily.

RANKING OF EMPLOYEES

All certificated personnel on renewable contracts will be categorized in all areas of certification and/or endorsement for which they are qualified to teach. Each employee will be ranked by seniority, as set forth below, to determine which employees will be reduced.

All employees in each area of certification and/or endorsement will be assigned a rank based on seniority. Seniority will be determined by the number of days of continuous service in this district from the first contract day of the school term in which the employee was hired. Individuals hired during the course of an ongoing school term will have their seniority determined from the first day of service in the district. Personnel on approved leave will be considered as having remained on continuous service for the purpose of determining seniority. However, the time period in which the individual was on leave will not be counted in the years of total service unless the individual meets the terms set forth in the military leave policy. Those employees hired on a less than full-time basis will have seniority computed proportionately to the term of their contract, i.e., one-half (1/2) time contract equals one-half (1/2) year of service.

Eligible veterans, defined consistently with Idaho Code Section 65-501, et seq., will be given preference for any existing position that is not eliminated. If an eligible veteran has the seniority as another certificated employee, the eligible veteran will be retained.

If two (2) or more employees have the same number of days of continuous service to the district, seniority will be determined by the total number of days of contracted service in the district.

In the event seniority for two (2) or more employees is the same, ranking will be determined by the sequential evaluation of the factors set forth below:

- 1. If two (2) or more employees have the same seniority in the district, the employee with the greatest number of contracted service days in other public or private schools will receive the higher rank.*
- 2. If two (2) or more employees have the same amount of experience in other districts, the employee with the highest educational degree awarded (Bachelors, Masters, Doctorate) will receive the higher rank.*
- 3. If two (2) or more employees have the same educational degree, the employee with the greatest number of college credits will receive the higher rank.*
- 4. If two (2) or more employees have the same number of college credits, rank will be determined by drawing lots.*

Seniority, experience, educational degree, and number of credits will be determined by data obtained from the personnel records on file in the district as of the date the board implements the

reduction in force policy.

Those employees with the lowest ranking in an area of certification and/or endorsement affected by the reduction in force will be reduced first. Reductions will continue progressively up the ranking as necessary.

COMPETING FOR OPEN POSITIONS

The board may select one of the following options:

Option A: *The district does not allow a certificated employee subject to reduction in force to “bump” another employee.*

Option B: *Any employee affected by the reduction in force will be allowed to compete with other similarly situated employees for any and all positions for which he or she is qualified. Employees not affected by this reduction in force policy may be reassigned. However, in the event an administrative position becomes available in this district while the reduction in force policy is in affect, the board is not obligated to follow the seniority criteria as set forth above, but rather may select an individual it deems to be the most qualified individual for that position.*

NOTIFICATION

Employees on a renewable contract who are affected by the implementation of this reduction in force policy will be notified in writing of the non-renewal of their contract not later than the fifteenth (15th) day of May. For those individuals on annual contracts affected by the implementation of this reduction in force policy, notice will be given in writing no later than the twenty-fifth (25th) day of May.

DEFINITIONS. For the purposes of this policy:

Reduction in Force: The temporary suspension or permanent [termination of employment](#) of an [employee](#) or group of employees for [business](#) reasons (e.g. certain positions are no longer necessary or due to financial constraints).

For employees who are veterans, as defined below, the following applies:

- **Disabled Veteran:** Those veterans separated under honorable conditions who:
 - (a) Qualify as disabled veterans because they have served on active duty in the armed forces and have a current service-connected disability of ten percent (10%) or more or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the department of veterans affairs; or
 - (b) Are Purple Heart recipients.
- **Eligible Veteran:** Veterans and disabled veterans as defined in this policy and Section 65-502, Idaho Code.

- **Key Employee:** An individual specifically hired for an “at will” position that is not a civil service position and where:
 - (a) The position requires an advanced degree and the exercise of independent judgment for a majority of the public employee’s duties;
 - (b) The primary duty of the position is the management of a department or subdivision of the public employer and the position requires the exercise of independent judgment for a majority of position duties;
 - (c) The primary duty of the position is administrative work arising from the management of a department or subdivision of the public employer or administrative work arising from the exercise of the duties of an elected official and the public employee holds a confidential relationship to the appointing or employing officer or elected official; or
 - (d) The primary duty of the position is to provide advice or consultation to an elected official and the public employee holds a confidential relationship to the elected official.
- **Preference Eligible Individual:** An individual eligible for preference under Section 65-503, Idaho Code or as follows:
 - (a) Veterans and disabled veterans as defined in this policy and Section 65-502, Idaho Code;
 - (b) A widow or widower of any veteran as long as he or she remains unmarried;
 - (c) The wife or husband of a service-connected disabled veteran if the veteran cannot qualify for any public employment because of a service-connected disability.
- **Service-connected disability:** The veteran is disabled due to injury or illness that was incurred in or aggravated by military service as certified by the federal veterans administration or an agency of the department of defense.
- **Veteran:** Any person who has been discharged or released from active duty in the armed forces under honorable conditions and has:
 - (a) Served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955;
 - (b) Served on active duty as defined in 38 U.S.C. Section 101(21) at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976, not including service under 10 U.S.C. Section 12103(d) pursuant to an enlistment in the army national guard or the air national guard or as a reserve for service in the army reserve, naval reserve, air force reserve, marine corps reserve or coast guard reserve;

- (c) Served on active duty as defined in 38 U.S.C. Section 101(21) in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992; or
- (d) Served as may be further defined in 5 U.S.C. Section 2108.



LEGAL REFERENCE:

Idaho Code Sections

33-514

33-515

33-522

65-501, et. Seq.

Baker v. Independent School District, 107 Idaho 608 (1984)

ADOPTED: March 9, 2004

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