

## **Instructional Staff Reduction in Force**

The following procedures will be followed in effecting a reduction in the professional staff work force.

### **1. Notice to Individual Teacher**

Teachers whose contracts are recommended by the superintendent or the Board to be canceled will be given notice in writing. The notice will include a statement of the conditions requiring such cancellation, a general description of the procedures followed in making the decision and a copy of the accompanying policy and this regulation. Notice will be served upon the teacher personally or by certified or registered mail. The teacher's address as it appears on the school district's record will be deemed to be the correct address. It will be the teacher's responsibility to see to it that the school has his current address on file.

### **2. Review of Individual Cancellations**

Within 10 days after receiving a notice of recommendation of cancellation, the teacher may request a review of the action by the Board of Education. The request must be in writing, addressed to the president of the Board. The request for review must specify the grounds on which the teacher relies and a short statement of facts that he believes support his contention.

Review may be had solely to determine the following:

- a. Has district policy been followed?
- b. Was there a rational basis supporting the Board's determination that a fiscal exigency exists or can reasonably be projected and/or that a program change is to be made or can reasonably be projected?
- c. Is there a rational basis for selecting this particular teacher for contract cancellation?

If a hearing is requested, the Board will consider the request and will schedule a hearing to be held within 14 days after the request is received. The teacher will be given at least seven days' notice of the hearing. The Board of Education may delegate the responsibility for conducting a hearing to an impartial hearing officer selected by the Board.

### **3. Conduct of Hearing**

The hearing will be conducted informally and, upon request of either party, in private. When agreeable to both parties, more than one case may be heard at the same time. The teacher may be represented by counsel. The school district will have no obligation to pay for the service of counsel representing the teacher. A tape-recording of the proceedings will be maintained, and a transcript of the tape will be made available at the expense of the party who makes the request for the same.

The hearing is commenced by the Board President or hearing officer introducing the persons present and explaining the procedure and purpose as stated herein, and continues in the following order:

- a. a presentation from the superintendent or counsel in general support of the recommendation to cancel the teacher's contract, including a statement concerning the application of the factors set forth in Policy GCQA in the particular case, followed by any questions from the teacher and/or the Board;
- b. The teacher's presentation, limited to those grounds specified in the request for a hearing and supported by testimonial and documentary evidence, as the teacher may deem appropriate, followed by questions from the superintendent or counsel and/or the Board. The superintendent or counsel may then make statements and may present testimonial and documentary evidence ~~proof~~ in rebuttal of the teacher's contentions. The Board or hearing officer may establish other procedural rules as appropriate.

After the presentations are complete, the Board will consider the matter in executive session or, where there is a hearing officer, the hearing officer may take the matter under advisement. Written findings of fact and conclusions as to the issues raised will be forwarded to the teacher, the Superintendent and to the secretary of the Board within 30 days after the close of the hearing. If the hearing was conducted by a hearing officer, the Board will be bound by the findings of fact of the hearing officer as long as there is support in the record for such findings. However, any conclusions drawn from those findings will not be binding upon the Board. The decision of the Board shall be final.

#### **4. Exclusive Procedure**

This procedure is the only procedure that may be used in a reduction in force of teachers. Any existing procedure for reconsidering or examining an employee discharge, non-reappointment or grievance is not available for considering an issue that arises in relation to a reduction in force. Similarly, no other personnel action other than reduction in force may be considered under this procedure.

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