

**PERSONNEL SERVICES**

**Policy 4740**  
**(Regulation 4740)**

**Separation**

**Reduction in Force: Certificated Staff**

If it becomes necessary to reduce the number of teachers due to a decrease in enrollment, District reorganization or the financial condition of the District, the Board will act to retain the most qualified teachers while following all applicable statutory guidelines.

The Board may place a permanent teacher upon unrequested leave of absence without pay when the Board determines that such action is necessary because of a decrease in pupil enrollment, District reorganization or the financial condition of the District. In placing such a teacher on leave, the Board will be governed by the provisions of the Teacher Tenure Law and District policies and regulations.

**Separation**

**Reduction In Force: Certificated Staff**

**Procedures**

1. The Board and the Superintendent acting to maintain the highest quality education program will determine which positions need to be reduced or eliminated. In making this decision, the focus will be on the position and not upon the person filling the position.
2. Once it has been determined which positions are to be reduced or eliminated, the identity of the teacher to be placed on involuntary leave of absence will be decided. In identifying teachers, the following rules will be applied:
  - a. Probationary teachers will be the first teachers to be placed on leave within each area of specialization to be reduced. The selection of a specific probationary teacher will be made in the best interests of the instructional program.
  - b. If no probationary teachers, or an insufficient number of probationary teachers, are employed in the area to be reduced, permanent teachers will be considered for placement on involuntary leave. Permanent teachers will be selected on the basis of performance-based evaluations and seniority. However, seniority will not be controlling unless the performance-based evaluations are equal. In comparing the performance-based evaluations of permanent teachers, each teacher's three most recent summative evaluations will be considered.
  - c. In no case will a permanent teacher be placed on a leave of absence while probationary teachers are retained in positions for which the permanent teacher is qualified.

**Reinstatement**

1. Permanent teachers will be recalled in the inverse order of their placement on leave of absence - the last laid off, first recalled.
2. The District will not employ new teachers while there are District teachers on leave under this regulation who are properly qualified to fill such positions.
3. Probationary teachers will be recalled in the order best determined by the Board based upon the instructional needs of the students.
4. Failure to report to duty on the reinstatement date, without Board approval, will constitute a breach of contract and will terminate the employment of the teacher.

5. Leaves of absence under this regulation will continue for a period of up to three (3) years unless extended by the Board. If a teacher has not been recalled during this period, the teacher's employment will automatically terminate.

### **Additional Consideration**

1. The tenure status of teachers placed on leave under this regulation will not be impaired because of such leave.
2. Teachers placed on leave under this regulation may engage in teaching or another occupation during such leave.

### **Due Process**

1. Permanent teachers will be given a written statement of the reasons for the selection for involuntary leave under this regulation.
2. Upon request, the permanent teacher will also be provided with the following:
  - a. Description of the procedure used to implement the reduction in force.
  - b. The information relied upon by the Board and the administration in making reduction- in-force decisions.
3. Permanent teachers, upon written request, will also be provided with an opportunity to appear before the Board and to convince the Board that they were erroneously selected for involuntary leave under this regulation.