



Title: **Instructional Staff Reduction in Force Procedure**

Code: GCQA R

Section: Section G: Personnel Policies

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

Notice to Teachers

Teachers whose contracts are recommended to be cancelled by the Superintendent shall be given notice in writing. The notice shall include a statement of the conditions requiring such cancellation, a general description of the procedures followed in making the decision, and a copy of Policy GCQA, Instructional Staff Reduction in Force, and this procedure. Notice shall be served upon the teacher personally or by certified or registered mail. The teacher's address, as it appears on the district's record, shall be deemed to be the correct address.

Review of Individual Cancellations

Within ten days after receiving a notice of cancellation of employment, a non-probationary teacher may request a review of the action by the Board. 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 the teacher believes supports the contention. When appropriate, more than one review may be heard at the same time.

Reviews shall only occur to determine one or more of the following:

1. Was there a rational basis to determine that a financial exigency or program change was necessary or appropriate?
2. Was the cancellation procedure arbitrary or capricious?
3. Was the decision to cancel the contract of the teacher arbitrary or capricious?

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

Conduct of the Hearing

The hearing shall be conducted informally and, upon request by the teacher or the District, in private. The teacher may be represented by counsel. The District shall have no obligation to pay for the service of counsel representing the teacher. A recorded transcription of the proceedings will be maintained, and copies of the transcript will be made available at the expense of the party requesting it.

The hearing shall begin with the teacher's presentation, limited to those grounds specified in the request for hearing and supported by testimonial and documentary evidence. The Superintendent or counsel may then present, in rebuttal of the teacher's contentions or in general support of the decision to cancel, testimonial and documentary proof. The Board or hearing officer may establish other procedural rules as appropriate.

After the Superintendent or counsel completes the presentation, the Board shall 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 shall be forwarded to the teacher 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 shall 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 shall not be binding upon the Board.

Procedure After Hearing

The Board will act on the findings and conclusions at its next regular meeting following receipt of the findings and conclusions. If the Board determines that the teacher's contention has not been established, it shall so notify the teacher and the Superintendent in writing. Such a determination finally confirms the decision to cancel. If the Board determines that the teacher's contention has been established, it shall so notify the teacher and the Superintendent by written notice that states that corrective action shall be taken.

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 a staff member discharge, non-appointment, or grievance is not available for considering an issue that arises from the reduction in force. Similarly, no other personnel action other than reduction in force must be considered under this procedure.

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Attachments

[GCQA R Instructional Staff Reduction In Force Procedure.pdf](#)