

**Policy GCQA/GCQB**  
**Instructional Staff/Administrative Staff Reduction in Force**  
Issued 02/10

**Procedure**

Once the Superintendent has determined that elimination of certified staff positions is desirable or necessary, s/he shall determine what position(s) must be eliminated and which individual(s) are to be terminated. Certified staff positions may need to be eliminated because of such things as decreases in student enrollment, changes in curriculum, District reorganization, financial exigency, or other circumstances as determined by the Superintendent and Board.

Prior to commencing action to terminate certified employees under this policy, due consideration shall be given to the ability to achieve position elimination and/or reduction in staff by voluntary retirement or resignation, reassignment, and part-time employment.

The following is the only procedure that may be used to effect a certified staff reduction in force.

- A. Reduction in force terminations will be on a system-wide basis; therefore, the Superintendent shall not be limited to considering only those employees in the particular school, area, or program in which the loss of enrollment, reorganization, curriculum change, financial exigency, or other circumstance has occurred.
- B. The recommendation concerning specific employees to be terminated under a reduction in force shall be based upon the following considerations:
  - 1. professional experience;
  - 2. areas of certification;
  - 3. educational levels;
  - 4. performance evaluations, oral or written;
  - 5. attendance record;
  - 6. experience in other areas of certification;
  - 7. principal's or supervisor's recommendation;
  - 8. type of contract;
  - 9. extra-curricular needs of the schools;
  - 10. length of service in the District;
  - 11. "highly qualified" status as defined by the No Child Left Behind Act; and
  - 12. any other factor considered appropriate by the Superintendent.

The Superintendent will determine the appropriate weight to give these factors depending upon the needs and circumstances of the District.

### **Notice to individual staff member**

The Superintendent or his/her designee shall meet with the employee whose employment will be terminated as a result of the reduction in force. Written notice of District action to terminate pursuant to this policy shall be sent to the affected employee(s) by certified mail, return receipt requested, and regular U.S. Mail. The notice shall include a statement of the conditions requiring termination of employment, and a general description of the procedures followed in making the decision.

### **Review of individual terminations**

Within ten (10) calendar days after receiving a notice of termination under this policy, an employee may request a hearing on the matter before the Board. Any such request shall be in writing and addressed to the Chairman of the Board. The request for review will specify the grounds on which it is contended that the decision to terminate was arbitrary, discriminatory, or otherwise improper and must include a short, plain statement of facts that the employee believes supports his/her contention. The hearing will be held within thirty (30) calendar days after the request is received.

The hearing shall be conducted in an informal manner as determined by the Board. The employee may be accompanied by legal counsel and shall be required to satisfy the Board by clear and convincing evidence that the decision to terminate was arbitrary, discriminatory or otherwise improper. The employee shall be notified within ten (10) calendar days following the hearing of the Board's decision.

### **Obligations with respect to re-employment or other employment**

For two (2) years after the effective date of a reduction in force termination, the Board will not replace the certified staff member whose employment has been terminated without first giving due consideration towards the reemployment of the RIFed employee. The District will make the offer by certified mail, return receipt requested, and regular U.S. Mail. The administration will advise the individual that s/he must submit written acceptance within fifteen (15) calendar days of the date of the offer. Failure to make written acceptance within the fifteen (15) calendar days or rejection of the offer eliminates all reemployment rights of the former certified staff member.

Any employee who has been terminated under this RIF policy but who is recalled to employment within two (2) years shall have restored to him/her all legally permissible leave.

Adopted 1975; Revised 7/30/84, 1/26/87, 6/22/98, 2/16/09, 2/22/10

Legal references:

S.C. Code, 1976, as amended:

Section 59-25-415 - Rehiring of employees terminated for economic reasons.

**LAURENS SCHOOL DISTRICT 56**