

## REDUCTION IN LICENSED STAFF

A decrease in enrollment, a budget reduction or adjustment, a consolidation of schools, the phasing out of programs, departments or grade levels and other conditions may cause a reduction in the number of staff needed in a building, program, or department, or in the entire school-Division.

Regulations have been developed to provide for a general reduction in total personnel and for a redistribution of personnel within designated programs.

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Legal Ref.: Virginia Code §§22.1-304, 22.1-305.

## REDUCTION IN LICENSED STAFF PROCEDURE

If a reduction of staff is necessary, such reductions shall occur under the guidelines outlined below:

### I. DEFINITIONS

- A. Endorsement: A teaching endorsement shown on a valid, current teaching license issued by the Virginia Board of Education.
- B. Licensed Administrator: A principal, assistant principal or supervisor (as defined by 8 VAC 20-440-10) who is: (1) required by the Virginia Board of Education to hold a license; and (2) paid on the administrative/classified pay scale. For the sole purpose of implementing this policy, teachers who report directly to central office shall be treated as though they are licensed administrators.
- C. One-Year Hire: A licensed administrator or teacher, as defined in this section, who: (1) was offered that position on or after August 1 of the current school year; or (2) was hired as a licensed administrator or teacher for the current school year to replace an employee on an extended leave or reassignment, as evidenced by supporting documentation.
- D. Seniority – Qualifying Service:
  - 1. Continuous Service: Total years of service in the most recent term of continuous service as a teacher or licensed administrator in the Division.
  - 2. Non-Continuous Service: Total years of service, other than Continuous Service, as a teacher and/or licensed administrator in the Division.
  - 3. Virginia Service: Total years of service, other than Continuous and Non-Continuous Service, as a teacher and/or licensed administrator in any accredited public or private school in the Commonwealth of Virginia.
  - 4. U.S. Service: Total years of service, other than Continuous, Non-Continuous, and Virginia Service, as a teacher and/or licensed administrator in any accredited public or private school in the United States of America or any U.S. affiliated school outside the United States.

Seniority is described fully in Section III.A.1.

- E. Small School: A Division school with an average daily membership generally of less than 300 students.
- F. Teacher: An employee who is: (1) regularly employed and paid as a teacher, ~~visiting teacher~~/school social worker, guidance counselor, school psychologist, or librarian; and

(2) holds a valid teaching license from the Virginia Board of Education.

## **II. PROCEDURE FOR REDUCTION**

### **A. Superintendent's Reduction Strategy**

1. The Superintendent shall create a **D**ivision-wide reduction-in-force strategy ("Reduction Strategy") which seeks to maximize the **D**ivision's ability to meet the Board's vision, mission, and goals within budgetary restraints.
2. The Reduction Strategy will be based on reductions in positions, programs, endorsements, services, courses, and/or other appropriate areas.
3. The Reduction Strategy will provide guidance to each school regarding the nature and scope of the needed reductions.
4. If applicable, guidance for licensed administrator reductions will be included in the Reduction Strategy for development by the Superintendent's designee.

### **B. Principals' Reduction Plans**

1. Principals shall develop reduction-in-force implementation plans ("Reduction Plans") for their schools in accordance with the Reduction Strategy and the requirements of Section III of this policy. Principals of small schools will be matched with other small school principals for the purpose of developing a single Reduction Plan for their schools.
2. Each plan must contain:
  - a. In rank order, the names and positions of the employees proposed to be reduced and an explanation of how those employees were identified in accordance with the criteria for reduction established in Section III of this policy; and
  - b. A reduction criteria form for each employee that has been considered for reduction, even if not proposed for reduction; and
  - c. A reduction criteria form for each probationary teacher in the school, whether or not the teacher is proposed for reduction.
3. The Superintendent/Designee shall review each Reduction Plan for compliance with the Reduction Strategy and this policy. The Superintendent/Designee may require principals to modify Reduction Plans in order to conform to the Reduction Strategy or this policy.

### C. Superintendent's Division Reduction Plan

1. The Superintendent shall develop a written Division reduction-in-force plan ("Division Reduction Plan") that takes into consideration the need for equitable treatment of employees across the Division, as well as the needs of each school.
2. The Division Reduction Plan must explain the proposed reductions for each school and any licensed administrator reductions.
3. The Division Reduction Plan may propose to exempt from reduction up to 1% of the current teacher personnel whose active assignments and/or special skills are essential to the effective operation of the Division, subject to the following additional conditions:
  - a. The Superintendent may propose to exempt more than 1% of the current teacher personnel upon a showing of extraordinary need.
  - b. No teacher may be exempted from reduction for more than two (2) consecutive years.
  - c. The Board retains the exclusive right to approve, modify, or disapprove any proposed exemptions, including any proposal to exceed the 1% cap.
4. The Superintendent shall submit the Division Reduction Plan to the School Board for its review. The School Board retains the right at all times to approve, modify, or disapprove the Division Reduction Plan. Upon approval by the School Board, the Superintendent shall implement the Division Reduction Plan in accordance with this policy.
5. In accordance with Virginia Code §§22.1-304 and 22.1-305, the Superintendent/Designee shall notify all employees who will be reduced as soon as possible, but no later than two weeks following the approval of the School Board's budget by the Albemarle County Board of Supervisors or June 1, whichever is earlier.

### D. Conferences with Employees Recommended for Reduction

1. Principals shall meet with any employee to discuss their recommendation to reduce that employee. Such conferences must be held as soon as practicable after the recommendation is developed.
2. The Superintendent/Designee shall meet with any employee, upon request, to discuss a principal's recommendation to reduce that employee, provided that a conference between the employee and principal has been held. Superintendent/Designee conferences must be conducted as soon as practicable.
3. Nothing in this section shall be construed to create any right or obligation other

than the obligation to hold conferences as explained above.

### III. CRITERIA FOR TEACHER AND LICENSED ADMINISTRATOR REDUCTION

In developing Reduction Plans for Superintendent review, principals shall determine which teachers will be reduced based on the criteria for Tiers One and Two as described below. The Superintendent's designee shall determine which licensed administrators will be reduced based on the same criteria. Guidelines for applying these criteria are provided in Section III.C below.

#### A. Tier One Criteria

1. Seniority. For full-time service, seniority shall be measured as a numerical sum ("Seniority Score") calculated by first multiplying the number of full-time years of service an employee has for each kind of qualifying service by the number stated in the "multiplier" column below, then adding each product.

| <i>Kind of Qualifying Service</i> | <i>Multiplier</i> |
|-----------------------------------|-------------------|
| Continuous Service                | 4                 |
| Non-Continuous Service            | 3                 |
| Virginia Service                  | 2                 |
| U.S. Service                      | 1                 |

~~Example: A teacher with 3 years of Continuous Service, 10 years of Non-Continuous Service, and 1 year of Virginia service would have a Seniority Score of 44 (12 + 30 + 2).~~

- a. Seniority Calculation for Full-Time Employment. Years of service are calculated as follows:
  - i. Each complete school year of service shall be counted as one (1) year. Approved leaves of absence shall not cause a break in continuous service and shall be counted for purposes of determining years of service.
  - ii. If the effective date of the employee's contract falls *before* December 31 in a given year, one (1) full year of service shall be credited to the employee for purposes of measuring years of service. If the effective date of the employee's contract is *after* December 31, one half of a year shall be credited to the employee.
  - iii. All employees will be deemed to have one (1) year of continuous service for the current school year during which the Reduction Plans are developed. Example: for RIF Plans developed in February, 2011, all employees would receive one year of Continuous Service for the 2010-2011 school year.

iv. One-Year Hires, as defined by Section I.C, shall not be eligible to earn seniority points for any current or prior years of service, unless they were employed full-time in Division teaching or administrative positions in the year before the current school year, with no break in service, in which case they shall earn seniority points for all prior years of full-time service in accordance with Section III.A.1.

b. Seniority Calculation for Part-Time Employment. Current full-time employees shall have any previous years of part-time employment with the Division credited for seniority in the following manner: each year of part-time employment in the Division, whether continuous or non-continuous, shall be given one (1) seniority point. Current part-time employees shall not receive seniority points for ~~either the current or prior part-time employment.~~ school year, but shall earn seniority points for prior years of full-time service in the Division if: (i) the last year of such full-time service was within three (3) school years of the current school year; and (ii) there has been no break in service.

c. Seniority Calculation Examples.

Example A: A teacher with 3 years of Continuous Service, 10 years of Non-Continuous Service, and 1 year of Virginia Service would have a Seniority Score of 44 (12 + 30 +2).

Example B: A One-Year-Hire teacher who did not hold a teaching position in the Division during the previous year would have a Seniority Score of 0 regardless of the employee's current or prior years of service as a teacher.

Example C: A current part-time teacher who served initially for 3 years as a full-time teacher, then served in a part-time position for the last 2 years, with no break in service, would have a Seniority Score of 9 (3 years of Non-Continuous Service).

Example D: A current full-time teacher with 3 years of prior part-time Continuous or Non-Continuous Service would have a Seniority Score of 7 (4 + 3).

2. Endorsements. Endorsements, as defined in Section I.A, will be evaluated in light of their necessity and value to the school. Relevant factors include, but are not limited to:
  - a. Experience teaching in the endorsement area;
  - b. Endorsement in areas that are difficult to staff; and

- c. Multiple endorsements that are necessary and valuable to the school.
3. Plan of Assistance. A current, active plan of assistance shall be given significant weight in favor of reduction. However, the following factors shall be considered in each case and may, based on the facts, be sufficient to overcome a recommendation for reduction:
- a. The employee's work history before being placed on the current plan, including placement on any prior plans;
  - b. The nature and severity of the performance concerns identified in the plan; and
  - c. The degree to which the employee has succeeded in meeting the goals of the plan.

## **B. Tier Two Criteria**

1. Special Skills and Training. "Special skills and training" are educationally valuable, objectively measurable accomplishments beyond the normal skills and training required for employee performance. In most cases, these should already be documented in the employee's personnel file. All special skills and training will be evaluated in light of their necessity and value to the school. Representative examples include, but are not limited to:
- a. Secondary language proficiency relevant to a school's student population and/or the Division's curriculum;
  - b. Technological training or skills;
  - c. Mediation training;
  - d. Mandt training; and
  - e. Other experience/training working with specific student groups (e.g., at-risk students, advanced placement, etc.).
2. Educational Certifications and Honors. "Educational certifications and honors" are those certifications, honors and awards issued by national or state educational organizations for specific achievements. These will be evaluated in light of their necessity and value to the school. Representative examples include, but are not limited to:
- a. National Board Certification;
  - b. Recognition as State/National Teacher of the Year;
  - c. National Teacher Training Institute Certification;
  - d. Virginia NETS\*T Certification;
  - e. National Association of Science Teachers Fellowship; and
  - f. Satisfaction of state requirement to teach dual-enrollment courses.

3. Contributions to Curricular and Extracurricular Programs. “Contributions to curricular and extracurricular programs” are educationally valuable, objectively measureable services given by an employee beyond those minimally required for the job, even though they may be performed during contract hours, such as serving in student organizations and athletics and engaging in leadership activities in the school or school parent/community organizations. These will be evaluated in light of their necessity and value to the school.
4. Enrollment History in Elective Courses. Enrollment history for the past three school years will be evaluated if a reduction is being considered in elective courses or in positions which are primarily responsible for elective instruction.

### C. Guidelines for Applying Reduction Criteria

1. Forms. Principals shall use standardized forms developed by the Superintendent/Designee for use in applying the reduction criteria. A form for each employee that has been considered for reduction, even if not proposed for reduction, shall be attached to the Reduction Plan.
2. Tier One Weight. Tier One criteria shall generally be given greater weight than Tier Two criteria. In order to propose the reduction of an employee with strong Tier One criteria over an employee with weaker Tier One criteria, principals must articulate convincing, fact-based reasons for the decision in their Reduction Plans.
3. Ties. Should the tier-based assessment of two or more employees yield identical or substantially identical results, principals shall reduce the employee with the lower Seniority Score.

## IV. REASSIGNMENT AND RECALL

### ~~A. Reassignment~~

- ~~1. Employees who are proposed to be reduced shall be reassigned to vacant positions within the division for which they are qualified based on their recent experience, endorsements and education, among other factors. The Superintendent/Designee shall make reassignment decisions in a manner that seeks to maximize the division's ability to meet the Board's vision, mission, and goals within budgetary restraints. Declining an assignment to a vacant position for which the employee is qualified shall remove the employee from consideration for any further reassignment.~~
- ~~2. Employees who are reassigned to vacant positions shall be credited with all years of division service as a teacher and licensed administrator.~~



~~B. Recall~~

~~Through these recall procedures the Division seeks to give reduced employees priority over external employment candidates when filling vacant positions and to accommodate the unique needs of the schools and the individualized needs of reduced employees.~~

A. Teachers and licensed administrators who have been reduced pursuant to this policy shall be placed on a school-specific ~~division-wide~~ recall list for teachers for a period of one (1) school year following the employee's separation (end of contract period).

~~B. Reduced employees placed on the recall list shall be notified, in writing, regarding open positions for which they may be qualified. In order to be considered for re-employment, reduced employees must respond within the requested timeframe, usually no less than fifteen (15) calendar days, affirming their interest in the particular position. Declining an offer to be considered for re-employment in a position or failing to respond within the requested timeframe shall result in the reduced employee's removal from the recall list.~~

B. Reduced employees will complete a Preference Form, to be provided by the Department of Human Resources, identifying all schools where they wish to work, subjects/grades they seek to teach and for which they are endorsed and/or qualified, and whether they are seeking full or part-time employment. This information will be shared with all principals in the form of school-specific recall lists prior to hiring for the following school year. Failure to complete the Preference Form by the assigned deadline, declining an offer for an interview, or declining an offer of employment will result in being removed from the recall list. Employees removed from the recall list may apply as external candidates if they desire further employment.

C. As vacancies occur within a school, principals will use the information from the Preference Forms to identify reduced employees to be screened. Selection of reduced employees on the recall list shall be based on the Tier One and Tier Two reduction criteria described in Section III in light of the Board's vision, mission, and goals. The division will not offer any vacant teaching position to external candidates unless it has exhausted the pool of interested individuals on the recall list who are qualified for the position based on their recent experience, endorsements and education, among other factors. When a school has a vacancy for which there is a qualified reduced employee on its recall list, no external candidate will be offered the position without the prior approval of the Superintendent/Designee.

D. Employees who are recalled to new positions shall be credited with all years of Division service as a teacher and licensed administrator.

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