

It is recognized that the Board has the responsibility to maintain good public elementary and secondary schools and to implement the educational interest of the State, consistent with State and federal educational requirements, including District improvement plans, accreditation requirements, and other school-based issues. However, recognizing also that it may become necessary to eliminate certificated staff positions in certain circumstances, this policy is adopted to provide a fair and orderly process should such elimination become necessary.

The Board has the sole and exclusive authority to determine the appropriate number of certificated employees and to eliminate certified staff positions consistent with the provisions of the State law. A reduction of certified employees may occur as a result of, but not be limited to, the following examples or from other conditions necessitating reductions.

### **Definitions**

As outlined in Idaho Code 33-522A Reduction in Force is defined as follows:

1. A reduction in force may occur when there are:
  - a. Curriculum or program changes;
  - b. Negative changes in the financial conditions of the school district;
  - c. Decreases in student enrollment, including overall, by program, by grade or by school; or
  - d. Staffing or highly qualified teacher limitations of the district.
2. The need for implementation of a reduction in force or the elimination of certificated positions is left to the sole discretion of the Board provided however, that no such decision shall be made until after completion of the written evaluation for each certificated staff member and that the decision as to which employee(s) shall be subject to such reduction shall not be made solely on consideration of seniority or contract status.

The Board may choose to implement a reduction in force through the elimination of:

- a. The elimination of positions in certain grade levels only;
- b. The elimination of a position by category; or
- c. The elimination of a position in an overall review of the district.
- d. A portion or percentage of a position or positions; or
- e. Any combination of the above.

The term “teacher” shall apply to any employee of the District who holds a certificate issued by the State Board of Education who is employed in a teaching or administrative position, below the rank of Superintendent.

### **Procedures**

1. Prior to commencing action to terminate teacher contracts under these procedures, the Board will give due consideration to its ability to effectuate position elimination and/or reduction in staff by:

- a. Voluntary retirements
  - b. Voluntary resignations
  - c. Transfer of existing staff members; or
  - d. Voluntary leaves of absence.
2. In the event a Reduction in Force is required, teachers who are retained pursuant to these procedures may be reassigned if suitable position openings are available in instructional areas for which they are Highly Qualified and for which the principal has approved transfer pursuant to Idaho Code.
3. In the Board's determination as to the individuals to be released pursuant to the Reduction in Force, consideration will be given to the criteria set out below. Each criterion shall be considered in terms of the total context when selecting those employees who are to be considered for release pursuant to the provisions of these procedures. The following criteria will be considered:
- a. Area(s) of certification for which the teacher is highly qualified which are classified by the District as hard to fill positions;
  - b. Number of areas of certification for which the teacher is highly qualified;
  - c. Educational or degree status;
  - d. National certifications held;
  - e. Position as a Lead or Master Teacher within the District;
  - f. Whether or not the teacher is highly qualified in a course necessary for high school graduation requirements;
  - g. Whether or not the teacher is highly qualified in a course necessary for middle school advancement;
  - h. Contribution and/or involvement in extracurricular or co-curricular positions with students;
  - i. Compliance with Professional Standards and Conduct over the course of employment with the District; and
  - j. Teacher evaluation, including components required by Idaho Code to be encompassed in teacher evaluation.

It is the intention of the Board that the individual and cumulative effect of each criterion on the welfare of students and the best long-term and short-term interest of the District be considered.

It is further the intent of the Board that primary consideration be the quality of instruction and the progress that students are making throughout the course of the school year, as well as properly endorsed, highly qualified, instructors be in classroom positions in order for the District to be compliant with federal and State education requirements. Thus, each criterion shall be considered in terms of this total context.

The factors for consideration shall be reviewed on an annual basis by the District's administration to determine whether factors should be added, eliminated, or weighted differently. Such recommendations for modification will then be brought before the Board for consideration.

4. The Human Resources Department shall provide advance notice of the possible reduction in force to all teachers who may be released, based upon the number of teachers who may be released, in whole or in part, and the school programs, teacher positions, or categories of positions that may be affected.
5. Upon receipt of this notification, it is recommended that the subject teachers review their personnel file materials with the District's Administrative Office to assure that the school has appropriate information relating to the various criteria referenced above.
  - a. If a teacher receiving a teacher profile believes that there is an error, the teacher shall notify the Human Resources Department of their concern of an error, in writing, by the close of the school day on the 10th business day after the teacher has received notice of the possible reduction in force.
  - b. This written notice shall specifically identify what element or elements of the teacher's personnel file and criteria are believed to be erroneous and explain specifically why the element(s) is believed to be in error.
  - c. If the District receives notice of possible error, each such written notice, timely received, shall be individually reviewed for possible reconsideration or evaluation of the information used in consideration of the Reduction in Force.
  - d. Should a teacher fail to inspect his or her personnel file and have inaccurate information in their personnel file and/or have failed to provide the District with updated information, the information contained in the file will be utilized for the Reduction in Force determination and the teacher will not have the opportunity to subsequently correct such information after the reduction in force has been implemented.
  - e. If the Human Resources Department determines that an error was made in completion of the teacher profile, a new profile will be created and forwarded to the teacher in question.
  - f. If the Human Resources Department determines that no error was made in completion of the teacher profile, the teacher shall be notified of this determination.
  - g. The teacher shall have a period of three school days to file written notice of an appeal of this decision to the District's Superintendent. Thereafter the Superintendent or the Superintendent's designee shall review the dispute, in whatever manner the Superintendent or designee deems appropriate for the circumstance, and make a final decision on the issue of the appeal and alleged error of the teacher profile.
6. If the Board determines that a reduction in force will be implemented, the Superintendent shall submit a list of the teachers recommended for release, through use of the above

process, and shall make recommendation to the Board as to what due process, if any, the Board needs to implement for each individual personnel situation.

7. All releases shall be done in conformance with the applicable provisions of Idaho Code and all affected teachers will be promptly notified, in writing, of the Board's decision or actions that need to be taken by the Board relating to applicable due process activities, if any.
8. Recall Provisions: If the contract of employment of a teacher is terminated because of the implementation of a reduction in force, the name of the teacher shall be placed upon a reappointment list and remain on such list for a period of 3 years.

If a position becomes open during such period, and the teacher has been selected by the Board as a person on the recall list who is highly qualified and most capable of holding the position, then the teacher will be notified in writing by certified mail, sent to the last known address, at least 30 days prior to the anticipated date of employment, when possible.

In determining whether a teacher is qualified for reappointment, the Board shall consider the criteria as set forth in these procedures. The teacher shall accept or reject the appointment in writing within seven days after receipt of such notification. If the appointment is accepted, the teacher shall receive a written contract within 20 days of receipt of the teacher's reply by the Board. If the teacher rejects the appointment offer or does not respond according to this procedure within seven days after receipt of such notification, the name of the teacher will be removed from the recall list.

**LEGAL REFERENCE: § I.C. 33-514 Issuance of Annual Contracts**  
**§ I.C. 33-515 Issuance of Renewable Contracts**  
**§ I.C. 33-522 Reductions in Force**  
**§ I.C. 33-1217 Accumulation of Unused Sick Leave**

**ADOPTED: April 17, 2000**

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**Refer to: Teacher Profile Rubric 650.00**