

Policy GCQA/GCQB Staff Reduction in Force

Issued 10/09 00/21

~~Purpose: To establish the basic structure for any needed reduction in staff.~~

Under South Carolina law, the board is responsible for maintaining good public elementary and secondary schools. The board is also responsible for implementing the educational interests of the state. The board's primary consideration is the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school district. The board recognizes, however, that it will become necessary to eliminate professional staff positions in certain circumstances. Therefore, the board publishes this policy to provide a fair and orderly process should such eliminations become necessary.

Reasons for elimination of staff positions

The board has the sole and exclusive prerogative to eliminate staff positions consistent with the provisions of state statutes. This elimination should not result in a failure in its duty to implement the educational interests of the state and to provide good public elementary and secondary schools.

The board may find it necessary to eliminate staff positions because of decreases in student enrollment, changes in curriculum, organizational restructuring, financial exigency or other circumstances as determined by the board.

The board directs the administration to develop procedures to conform with the intent of this policy.

Definitions (as used in this policy)

- "Days" means calendar days.
- "Teacher" or "certified staff" means any employee of the district who holds a certificate issued by the South Carolina State Department of Education and who is employed in a teaching or administrative position below the rank of superintendent.
- "Financial exigency" means any significant decline in the district's financial resources that is brought about by the decline in enrollment or by other actions or events that compel a reduction in the school's current operations budget.
- "Changes in curriculum" means any elimination, curtailment or reorganization of curriculum offering, program or school operation or a reorganization or consolidation of two or more individual schools that is unrelated to financial exigency.
- "Organizational restructuring" is a realignment of the district's resources initiated by budget considerations or innovations in areas such as technology, work processes, organizational culture and/or structure. Common features of organizational restructuring include downsizing, decentralizations, outsourcing, resources, resources planning or considering other options about how to deploy talent and resources.

Procedure for certified staff

Before commencing action to terminate certified staff member(s) under this procedure, the board will consider its ability to eliminate positions and/or reduce staff by any of the following.

- voluntary retirement
- voluntary resignation
- transfer and/or reassignment of existing staff members to available positions
- voluntary leaves of absence
- salary reductions
- part-time employment
- reduction in new hires resulting from reduced student enrollment

In the event further reduction is required, the board will adhere to the following guidelines.

- Reduction in force will be on a district-wide basis. Therefore, the superintendent is not limited to considering for RIF termination only those staff members in a particular school, area or program in which the loss of enrollment, reorganization, program change or financial exigency has occurred.
- Once the board (after consulting with the superintendent) has determined that a reason exists which requires an elimination of certified staff positions, the superintendent will, after considering the possibilities set forth above, determine which positions must be eliminated. The superintendent will present his/her recommendations to the board for approval.
- Once the board has approved the elimination of the specified positions or changes to be made in programs, the superintendent will use specified criteria to select those certified staff members who are to be considered for RIF. The superintendent will make a recommendation to the board based on the application of the following criteria, but not necessarily in this order.

- Professional qualifications include, but are not limited to, professional experience, certification (areas and type),

degrees earned/education level, total experience in the district, total years of experience, and type of contract, and "highly qualified" status as defined by the No Child Left Behind Act.

- Evaluation qualifications include, but are not limited to, qualifications and ability as determined by the district evaluation procedure, attendance record and principal or supervisor's recommendation.

- School based requirements include, but are not limited to, programmatic needs of district schools and co-curricular needs of district schools.

- Any other assigned duties or factors considered appropriate by the superintendent.

The superintendent may determine the appropriate weight to give to these factors depending upon the needs and circumstances of the district.

Notice to individual employee

If, after considering the superintendent's recommendation, the board acts to terminate employment of a staff member, the board will authorize written notice of that decision to the affected member. The superintendent will send the written notice by certified mail, return receipt requested. The notice will include a statement of the conditions requiring termination of employment and a general description of the procedures followed in making the decision.

The district will assume that the staff member's address as it appears on the school district record maintained by the office of human resource services is the correct address. It is the staff member's responsibility to see that the district has his/her current address on file.

Review of individual termination

A certified staff member may request a hearing of the board action, provided such request is made within 10 calendar days after his/her receipt of the notice of termination. The only purpose of the review will be to determine whether the decision to terminate was arbitrary or capricious, discriminatory or otherwise improper. The hearing will be conducted in an informal manner as determined by the board.

The request for review must be in writing and addressed to the chairman of the board. The request must clearly state the grounds on which the staff member contends the decision was arbitrary or capricious, discriminatory or otherwise improper. The request must include a short, plain statement of facts to support the contention.

The board will hold a hearing within 30 calendar days after they receive the request unless the parties agree otherwise in writing. The board will give the staff member at least five days' notice of the hearing.

The board will conduct the hearing informally, in public or in private as the staff member may request. The staff member and the superintendent may each be accompanied by legal counsel. The board will consider only the evidence that is presented at the hearing. The board will only consider the evidence that it considers fair and reliable. Board members may ask questions as appropriate.

The employee will be notified within 10 calendar days following the hearing of the board's decision.

Obligation with respect to re-employment

For two years after the effective date of a termination pursuant to the provisions of this policy, the board will not replace the certified staff member whose employment has been terminated without first giving due consideration towards the re-employment of the terminated employee. The board will make the offer by certified mail, return receipt requested and regular U.S. Mail at the employee's last known address. The board will notify the professional staff member that he/she must submit written acceptance within 15 calendar days of the date of the letter. Failure to make written acceptance within 15 calendar days or rejection of the position eliminates all re-employment rights of the professional staff member.

An employee who has been terminated under this procedure, but who is recalled to employment within two years, will have restored to him/her all the sick leave accrued but not used on the effective date of termination.

This RIF procedure is the only procedure that will be used in a reduction in force and it is not subject to board policy GBK, Staff Concerns/Complaints Grievances.

Procedure for classified staff and other non-certified professional staff

In the event termination of classified staff or other non-certificated professional staff is required, the following guidelines will be adhered to.

- Reduction-in-force terminations will be on a district-wide basis; therefore, the superintendent will not be limited to considering only those employees in the particular school, area or program in which the loss of enrollment, curriculum

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change or financial exigency has occurred.

- The recommendation concerning specific employees to be terminated under this policy will be based upon the following considerations.
 - years of experience
 - education level
 - performance evaluation
 - attendance record
 - principal or supervisor's recommendation
 - length of service in the district
 - ~~"highly qualified" status as paraprofessional, as defined by the No Child Left Behind Act~~
 - any other factor considered appropriate by the superintendent

The superintendent may determine the appropriate weight to give these factors depending upon the needs and circumstances of the district.

Notice to individual employee

If, after considering the superintendent's recommendation, the board acts to terminate employment of a staff member, the board will authorize written notice of that decision to the affected member. The superintendent will send the written notice by certified mail, return receipt requested. The notice will include a statement of the conditions requiring termination of employment and a general description of the procedures followed in making the decision.

The district will assume that the staff member's address as it appears on the school district record maintained by the office of human resource services is the correct address. It is the staff member's responsibility to see that the district has his/her current address on file.

Review of individual termination

Within 10 calendar days after receiving a notice of termination under this policy, an employee may request the matter be reviewed by the board of school commissioners. Any such request will be in writing and addressed to the superintendent. The request for review must 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 support his/her contention. The superintendent will forward the employee's request, along with the documentation supporting the basis for the termination decision, to the board for review.

The employee will be notified within 10 calendar days of the board's decision following the board's review of the matter. The board will consider the request within 30 calendar days of its receipt of the request.

Adopted 5/23/00; Revised 4/15/03, 10/13/09, 00/00/21

Legal References:

S.C. Code, 1976, as amended:

[Section 59-25-415](#) - Rehiring of employees terminated for economic reasons.

Richland County School District One