

Policy

PROFESSIONAL STAFF REDUCTION IN WORK FORCE

Code GBKA Issued 12/15/21

Procedure

Once the superintendent has determined that elimination of certified staff positions is desirable or necessary, the superintendent will determine what position(s) must be eliminated and what individual(s) are to be terminated and will present his/her recommendations to the Board for approval.

Professional 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.

This reduction-in-force procedure is the only procedure that may be used in a reduction in force.

Prior to commencing action to terminate certificated staff members under this policy, due consideration will be given to the ability to achieve position elimination and/or reduction in staff by voluntary retirement or resignation, voluntary leaves of absence, reassignment, and part-time employment.

In the event termination of certificated 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 change, or financial exigency has occurred.
- The recommendation concerning specific employees to be terminated under this policy will be based upon the following considerations:
 - professional experience;
 - area(s) of certification;
 - education level;
 - performance evaluation;
 - experience in other areas of certification;
 - principal's or supervisor's recommendation;
 - type of contract;
 - extracurricular needs of the schools;
 - length of service in the district;
 - "highly qualified" status as defined by the No Child Left Behind Act; and

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- any other factor 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 Employees

Written notice of board action to terminate pursuant to this policy will be sent to the affected employee(s) 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.

Review of Individual Termination

Within 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 will be in writing and addressed to the Board chair.
- 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 30 calendar days after the request is received.
- The hearing will be conducted in an informal manner as determined by the Board.
- The employee may be accompanied by legal counsel and will be required to satisfy the Board by clear and convincing evidence that the decision to terminate was arbitrary, discriminatory or otherwise improper.
- The employee will be notified within 10 calendar days following the hearing of the Board's decision.

Obligation with Respect to Re-employment

As provided in S.C. Code § 59-25-415, for two years after the effective date of a termination pursuant to the provisions of this policy, the Board will not replace the teacher 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.
- 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 of the sick and personal leave accrued but not used on the effective date of termination.

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Adopted 07/20/04; Revised 12/14/21

Legal References:

- A. South Carolina Code, 1976, as amended:
 - 1. Section 59-25-415 – Rehiring of teachers terminated for economic reasons.