

**REDUCTION IN FORCE CERTIFIED TEACHER PERSONNEL**

1. General Matters

A. Reasons for a Reduction in Force. A teacher may be dismissed or nonreemployed when the board decides that due to (i) a financial exigency or (ii) a program change for institutional reasons or (iii) a decline in enrollment or (iv) other business necessity as determined by the board, a reduction in teaching staff is necessary.

B. Definitions. For the purpose of this policy, the following terms have the stated meanings:

1. "Financial exigency" means a reduction in the technology center's financial resources resulting from declining enrollment or any other action or event that in the sole judgment of the board of education will result in a reduction in the technology center's current or future operating budget.

2. "Program change" means any elimination, curtailment or reorganization of a curriculum offering, program or school operation or a reorganization or closing of a school or consolidation of two or more individual schools or districts that is unrelated to financial exigency.

3. "Declining enrollment" means a decrease in the technology center's total enrollment or enrollment in a particular program or curriculum offering which in the sole judgment of the board of education may adversely affect the technology center's current or future allocation of funds and/or the necessity of maintaining certain current or future class sections or curriculum offerings.

C. Criteria for Eliminating Positions. The primary criterion in effectuating any reduction in force shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the technology center. In evaluating its program, the superintendent and the board will consider the elimination of teaching positions, not the teachers occupying those positions. In deciding which positions to eliminate, the superintendent and the board will consider the curriculum, the needs of students and those extra duty assignments that require special skill or expertise.

However, CVTC will not usually give program priorities unless CVTC student enrollments in the program are adequate to justify its continuation. Other criteria used in effectuating a reduction in force shall be program enrollment and program placement. Probationary teachers in positions to be eliminated will be non-renewed or dismissed before career teachers.

D. Bumping. If a teacher's position is eliminated and the teacher scheduled to be dismissed or nonreemployed (after going through the criteria in section "D")

above) has a composite Marzano score of effective, as defined by the district's Marzano model, then in the administration's sole discretion, that teacher may be placed in another position for which the teacher is certified to teach, if the other position is currently held by a teacher who has a composite Marzano score that is below effective. Under those circumstances, the teacher with the Marzano composite below effective will be dismissed or nonreemployed. If two (2) or more teachers in a specific position have the same composite scores, then the process of section (C) will be used to determine who is dismissed or nonreemployed.

E. Career Teachers. In determining which career teacher(s) will be non-reemployed when one or more of a number of identical positions is eliminated, the following criteria will be considered to determine which career teacher will "bump" the probationary teacher; however, the final decision will be made based on the interest of the district:

1. CVTC will retain the career teacher(s) with the greatest number of years of industrial experience, as defined in section I.D.2.a of this policy.
2. If industrial experience under the above criterion is equal, CVTC will retain the career teacher with the most advanced academic degree status, as defined in section I.D.2.c of this policy.
3. If degree status is equal, CVTC will retain the career teacher having the most versatile certificate in order to enable CVTC to have flexibility in planning future curriculum.
4. If versatility of certificates is equal, CVTC will retain the career teacher having seniority, as determined by the number of complete, consecutive school years of employment in CVTC.
5. If seniority is the same, CVTC will retain the career teacher chosen by lot.

F. Adult Education Teachers. The dismissal and nonreemployment provisions of the Teacher Due Process Act of 1990 do not apply to adult education teachers. Accordingly, adult education teachers are not covered by the protections of this policy and, unless otherwise required by law, are subject to a reduction in force without notice and without compliance with this policy.

## 2. Procedures

A. Action by Superintendent. The superintendent, upon receipt of the board's preliminary determination of the necessity for a reduction in force, or upon the superintendent's own volition, shall submit to the board the superintendent's written recommendations for terminating particular teaching positions. In making recommendations, the superintendent (i) shall not be limited to considering only positions in the areas or programs designated by the board and (ii) shall consult with each principal or other administrator in whose school or unit a position elimination/termination is proposed and (iii) shall take into consideration the criteria set out herein.

B. Action by Board. In the absence of a recommendation from the superintendent pursuant to this section, or when the board of education chooses not to accept the superintendent's recommendation, the board may initiate action without such

recommendation provided that it adheres to the other provisions of this policy.

- C. Notice and Hearing Procedures. Prior to taking any action to non-reemploy or dismiss a teacher due to a reduction in force, whether acting on a recommendation of the superintendent or on its own volition, the board shall provide notice and an opportunity for hearing to the affected teacher; provided, however, because the law does not provide nonrenewal hearings for teachers on temporary contracts, no hearing opportunity shall be afforded any teacher on a temporary contract with notice of the expiration of the temporary teacher's contract at the end of the school year being provided to the temporary teacher. The notice and board hearing procedures shall be the same as those provided by Oklahoma law and board policy regarding dismissal and nonreemployment of teachers for cause. Notice of a recommendation of nonreemployment shall be given to the teacher prior to the 1<sup>st</sup> Monday in June.
- D. Hearing. At the hearing, evidence may be presented by the administration and the teacher, as to (i) whether a reduction in force is reasonably necessary and is being made in good faith and for the best interests of the technology center and (ii) whether the recommendation to not renew (or dismiss) the specific teacher is being made in good faith and pursuant to the process set out herein.
- E. Effect of Board Decision. The decision of the board based on the evidence presented at the hearing shall be final and unappealable.

### 3. Reemployment or Other Employment After Reduction in Force

- A. Recall. The recall provisions in this process will only apply and be available to a teacher who had a composite Marzano score of at least effective at the time of his/her nonreemployment (or dismissal). For one school year after the effective date of nonreemployment (or dismissal) due to a reduction in force, the board of education shall not fill the specific position previously held by a teacher who was nonreemployed (or dismissed) due to a reduction in force without first offering such position to the nonreemployed (or dismissed) teacher. If more than one nonreemployed (or dismissed) teacher is both certified and qualified for a position which the teachers previously held with the technology center and which becomes available, the board, after receiving the superintendent's advice, shall select the teacher it believes will best fill the position. Nothing in this policy shall give to any nonreemployed (or dismissed) teacher priority rights to fill a vacancy which becomes available and for which they are certified and qualified unless such position is identical to the position which they previously held with the technology center.
- B. Recall Procedures. The offer of reemployment shall be made personally or by certified mail, return receipt requested, and the teacher shall be notified that if he/she wishes to accept, he/she must do so in writing within five (5) calendar days of receipt of notice or within ten (10) calendar days of the postmark on the envelope in which the offer is mailed, whichever is shorter. Failure to receive timely acceptance of the offer of reemployment eliminates all reemployment rights of the teacher.
- C. Status After Recall. A career teacher who has been nonreemployed (or dismissed) and who is then reemployed within one school year shall be reinstated as a career teacher. A probationary teacher who is non-reemployed (or dismissed) but is

then reemployed within one school year shall be given credit for the time already served as a probationary teacher for the purpose of determining eligibility for career teacher status.

4. Interpretation and Application

The interpretation and application of any provision of this policy shall be the exclusive province of the Board of Education.