Section 400 – Personnel Certificated Employee Termination of Employment Certificated Employee Reduction In Force

Anything in this policy to the contrary notwithstanding, this policy shall specifically permit and allow reductions in force to occur which deal with total elimination or termination or amendment of contracts or positions, which deal with reductions in force from full-time to part-time, which deal with reductions in force from part-time to a lesser part-time, or which deal with any other reductions in force, which result in the termination or amendment of a certificated employee's contract or employment position.

Reductions in force of certificated staff members may be required due to decreasing enrollment, limited financial support, changing programs, or other changes in circumstances. If such changes occur and a reduction of certificated staff is necessary the superintendent of schools shall recommend to the board of education those certificated employees to be terminated under the reduction-in-force provisions of the continuing contract laws; provided, however, that no permanent employee may be terminated through reduction-in-force while a probationary employee is retained to perform a service that the permanent employee is qualified by certification and endorsement to perform or where certification is not applicable, by reason of college credits in the teaching area.

Due to the often intimate, confidential, and unique personal working relationship necessary between the administration and the board of education, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no right under this policy to any administrative position within the school system.

The process of selecting personnel for reduction in force will involve consideration of the following criterion: (1) programs to be offered; (2) areas of certification and endorsement which may be required to maintain accreditation; (3) special qualifications that may require specific training and/or experience; (4) contributions to activity programs; (5) qualifications based on past performance and competence as determined by the principal and/or superintendent of schools through employee evaluation procedures; (6) the organizational and educational impact created by multiple part time certificated employees; and (7) any other reasons which can be rationally related to the instruction in or administration of the school system. The weight each criterion carries is determined by the Board of Education.

Employee evaluations (including frequency of evaluations, evaluation forms, and number and length of classroom observations, if applicable) used for purposes of this policy shall conform to the board policies and administrative rules, regulations, and practices (in effect at the time) related to the periodic evaluation of certificated staff members.

Any certificated employee whose contract is terminated because of reduction in force shall be considered to have been dismissed with honor and shall, upon request, be provided a letter to that effect. Such employee shall have preferred rights to re-employment for a period of twenty-four months commencing at the end of the contract year and the employee shall be recalled on the basis of length of service to the school to any positions for which he or she is qualified by endorsement or college preparation to teach. The employee shall, upon

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reappointment, retain any benefits which had accrued to said employee prior to termination, but such leave of absence shall not be considered as a year of employment by the district. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to subsequent recall.

It shall be the responsibility of each certificated employee to file with the superintendent of schools a copy of said employee's teaching certificate (including endorsements) upon initial employment with the district. On or before March 15th of each year thereafter, for as long as the employee is employed in this school district, or for as long as the person has rights of recall, each certificated person shall file with the superintendent of schools any changes which have occurred in his or her teaching certificate (including endorsements), or changes in his or her teaching certificate (including endorsements) which may be pending, since March 15th of the previous school year.

Any certificated employee whose employment contract is terminated as a result of reductions in forces shall, during his or her period of recall, report his or her current address to the superintendent of schools and shall inform the superintendent of schools of any changes of address thereafter. If a vacancy in the system occurs for which said employee has rights of recall, the offer of such employment may be sent by the superintendent of schools to the employee's last known address. If no acceptance of such offer is received from the employee within fourteen (14) days of mailing and the superintendent of schools has no personal knowledge of the whereabouts of the employee, other than said last known address, the employee shall be deemed of having waived his or her rights to recall to said employment position.

Certificated employees who are notified that they may be considered for termination or contract amendment shall be given an opportunity for a hearing before the board of education prior to the time that the final action is taken.

Legal Reference: Neb. Statute 79-846 to 849

79-824 to 844

Cross Reference: 402 Employees and Internal Relations

406.08 Certificated Employee Evaluation

File: 408.05