

Lower Merion School District

ADMINISTRATIVE REGULATIONS

Policy No.: 360
Section: EMPLOYEES
Title: REDUCTION IN STAFF
Date Adopted: 12/20/21

R360 REDUCTION IN STAFF

Guidelines

This regulation deals only with non-disciplinary suspensions and terminations. Disciplinary terminations and suspensions are covered by the disciplinary procedures policy and its accompanying regulation which are cross-referenced below.

Definitions

The term "professional employee" shall include those who are certificated as teachers, supervisors, supervising principals, principals, assistant principals, vice-principals, home and school visitors, school counselors, school librarians and school nurses and anyone else who qualifies as a professional employee as that term is used in Section 1101 of the Pennsylvania School Code. Such employees are commonly referred to as tenured employees.

The term "temporary professional employee" shall mean any individual who has been employed to perform, for a limited time, the duties of a newly created professional employee position or of a regular professional employee whose services have been terminated by death, resignation, suspension or removal and who is not classified by the District as a substitute. Such employees are commonly referred to as non-tenured employees.

Employees Other Than Professional Employees and Temporary Professional Employees

The employment status of employees other than professional employees and temporary professional employees may be terminated or temporarily suspended whenever deemed necessary in the best interests of the District, subject to limitations and procedures provided for in collective bargaining agreements, if any.

Temporary Professional Employees

The employment status of a temporary professional employee may be nonrenewed when the employee's position has been eliminated or when the conditions for which professional employees may be suspended otherwise exist, subject to limitations and procedures provided for in collective bargaining agreements, if any.

Professional Employees

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The necessary number of professional employees may be suspended for the following reasons:

1. Substantial decrease in student enrollment in the District.
2. Curtailment or alteration of the educational program on recommendation of the superintendent and on concurrence by the board of school directors, as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of Education;
3. Economic reasons that require a reduction in professional employees; however, the District is prohibited from using an employee's compensation in the suspension determination. A Superintendent knowingly in violation of this prohibition shall have a letter from the Secretary of Education placed in their permanent employee record.

Economic Suspension Requirements -

The Board may suspend professional employees for economic reasons if all of the following apply:

1. The Board approves the proposed suspensions by a majority vote of all school directors at a public meeting.
2. No later than sixty (60) days prior to the adoption of the final budget, the Board adopts a resolution of intent to suspend professional employees in the following fiscal year, setting forth:
 - A. The economic conditions necessitating the proposed suspensions and how the economic conditions will be alleviated by the proposed suspensions, including:
 1. The total cost savings expected from the proposed suspensions.
 2. A description of other cost-saving actions taken by the Board, if any.
 3. The projected District expenditures for the following fiscal year with and without the proposed suspensions.

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4. The projected total District revenues for the following fiscal year.
- B. The number and percentage of employees to be suspended who are:
 1. Professional employees assigned to provide instruction directly to students.
 2. Administrative staff.
 3. Professional employees who are not assigned to provide instruction directly to students and who are not administrative staff.
- C. The impact of the proposed suspensions on academic programs to be offered to students following the proposed suspensions, as well as the impact on academic programs to be offered to students if the proposed suspensions are not undertaken, compared to the current school year, and the actions if any, that will be taken to minimize the impact on student achievement.

Professional Employees Assigned to Provide Instruction Directly to Students -

Suspensions, due to economic reasons, of professional employees assigned to provide instruction directly to students may be approved by the Board only if the Board also suspends at least an equal percentage proportion of administrative staff, except when all of the following apply:

1. The Secretary of Education determines that the District's operations are already sufficiently streamlined or that the suspension of administrative staff would cause harm to the school stability and student programs.
2. The Secretary of Education submits the determination to the State Board of Education.
3. The State Board of Education approves the determination by a majority of its members.

The Board may choose to exempt from this requirement any five (5) administrative positions, one of which shall be the Business Manager or another staff member with the primary responsibility of managing the District's business operation.

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Order of Suspensions

Data necessary for computation of each professional employee's performance rating and seniority status shall be recorded and maintained to ensure compliance with the required order for suspensions.

Performance Evaluation Rating -

Professional employees shall be suspended, within the area of certification required by law for the professional employee's current position, in the following order based on the two (2) most recent annual performance evaluations:

1. Consecutive unsatisfactory ratings.
2. One (1) unsatisfactory rating and one (1) satisfactory rating.
3. Consecutive satisfactory ratings which are either consecutive ratings of proficient, or a combination of one (1) proficient or distinguished rating and one (1) needs improvement rating.
4. Consecutive satisfactory ratings which are consecutive distinguished, or a combination of one (1) rating of proficient and one (1) rating of distinguished.

Seniority -

When the number of professional employees within each certification area receiving the same performance rating is greater than the number of suspensions, professional employees with the least seniority within each certification area shall be suspended before employees with greater seniority having the same performance rating.

In addition, professional employees shall be realigned to ensure that employees with more seniority have the opportunity to fill other positions within the District for which they are certificated and which are currently filled by less senior employees with the same or lower overall performance rating.

Seniority shall continue to accrue during a suspension and all approved leaves of absence.

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When there is or has been a consolidation of schools, departments or programs, all professional employees shall retain the seniority rights they had prior to the reorganization or consolidation.

Reinstatement

Suspended professional employees, or professional employees demoted for reasons of this Policy, shall be reinstated within the area of certification required by law for the vacancy being filled in the District, in the inverse order by which they were suspended and on the basis of their seniority within the District.

No new appointment shall be made while there is a suspended or demoted professional employee available who is properly certificated to fill such vacancy.

Positions from which professional employees are on approved leaves of absence shall be considered temporary vacancies.

To be considered available, suspended professional employees shall annually report in writing to the Board their current address and intent to accept the same or similar position when offered.

A suspended professional employee enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying a return to service until the end of the current semester.

Local Agency Law Hearings

The decision to suspend a professional employee shall be considered an adjudication for the purposes of the Local Agency Law, and a professional employee subject to such a decision shall have the right to a Local Agency Law hearing before the Board, if a hearing is requested within ten (10) days after being notified of suspension.

A decision to nonrenew the employment of a temporary professional employee whose position has been eliminated or who is being nonrenewed for reasons for which professional employees may be suspended, shall be considered an adjudication for purposes of the Local Agency Law, and the employee shall be entitled to a Local Agency Law hearing, if a hearing is requested within ten (10) days after being notified of the decision to nonrenew.

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In addition to any rights they may have under an individual or collective employment agreement, all other non-temporary employees are entitled to a Local Agency Hearing prior to a termination but only to the extent that the Pennsylvania School Code extends that entitlement.