

REDUCTION IN LICENSED STAFF WORKFORCE REGULATIONS

I. PURPOSE

To establish the procedure for reduction in force (RIF) as a result of a determination by the Superintendent that there is an excess number of licensed staff. RIF decisions shall be based on the best available information and the spirit of this regulation. RIFs shall occur under the guidelines outlined below.

II. DEFINITIONS

The following definitions shall apply for the purpose of this regulation.

A. Teacher

For the purpose of this regulation, “teacher” shall include those persons who are regularly employed on an annual or continuing contract basis as full-time, non-administrative licensed staff to include school nurses, physical therapists, occupational therapists and speech therapists, library media, guidance, school psychologists and social workers.

B. ACPS Years of Service

ACPS service is established as the period from the effective date of employment as a teacher, beginning with the most recent term of continuing full-time employment in a teaching position in Alexandria City Public Schools, including authorized leave(s) of absence. If two or more teachers have the same length of service, they shall be ranked by date of employee signature on the contract offer that resulted in the most recent period of continuous teacher service.

C. Teaching Area

The subject/grade in which the teacher is actively teaching or the most recent permanent teaching assignment of a teacher on an authorized leave or in a temporary assignment. The teaching area of a teacher shall be determined by the job class code/group, with the exception that elementary classroom teaching areas are grouped either as kindergarten-grade 2, or grades 3-5.

D. Teaching Program

An official educational program with prescribed activities or a course of action designed to address the unique needs of targeted student populations. Chance for Change and T.C. Williams Satellite Campus are examples of teaching programs. Teaching programs may be treated independently for RIF actions based on the needs of the school.

Teaching areas within teaching programs may vary. Assignments in a teaching program that do not require a specialist endorsement (e.g., “crisis” or “alternative”) are not interchangeable. Designations for RIF shall be determined according to function rather than endorsement.

III. ORDER OF REDUCTION

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- A. The Superintendent determines when there is an excess of teachers in a teaching area or teaching program. In accordance with the state statutory notice requirements, the Superintendent's designee shall inform, in writing, those licensed employees who may be affected by the recommended reduction. Such employees shall have the opportunity to meet with the Superintendent's designee to discuss the order of reduction.
- B. Whenever the Superintendent determines that there is an excess number of teachers in a teaching area, the teachers in that teaching area shall be reduced in the following order:
- Least senior licensed employees within the teaching area (as defined in section II-C) who have received unsatisfactory ratings on the most recent summative evaluation during a previous year.
 - If it is necessary to lay-off teachers in a category, teachers serving under provisional or conditional licenses in that category will be identified for lay-off before teachers with collegiate or post graduate professional licenses.
 - If none, the least senior licensed employee within the teaching area (as defined in section II-C).
- C. Whenever the Superintendent determines that there is an excess number of teachers in a teaching program, the teachers in the program shall be reduced in the following order:
- Least senior licensed employees within the teaching program (as defined in section II-D) who have received unsatisfactory summative ratings within the most recent formal evaluation cycle.
 - If it is necessary to lay-off teachers in a category, teachers serving under provisional or conditional licenses in that category will be identified for lay-off before teachers with collegial professional licenses.
 - If none, the least senior licensed employee within the teaching program (as defined in section II-D).
- D. If a teacher is actively assigned in two or more different teaching areas/programs, the one representing the longer period of daily time shall be designated. If the assignments represent equal periods of daily time, the teacher may request designation of a specific teaching area/program at the beginning of the school year by indicating a preference in writing to the principal or program manager. In such a case, the principal or program manager shall designate the teaching area/program.
- E. The selection of personnel to be reassigned from one school or facility to another will be governed by the need to maintain the maximum effectiveness of the school/facility involved as determined by the Superintendent.
- F. New salaries for teachers will be based on the position assigned. RIFed teachers shall not be eligible to exercise employment rights involving longer contracts regardless of endorsement status or length of service.

96 G. Length of day or work year shall not be a factor in the designation of full-time employees for
 97 RIF.
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99 **IV. EXCEPTIONS**

100 Notwithstanding any other provision dealing with RIF, a maximum of one (1) percent of the
 101 teacher workforce may be retained by the Superintendent, irrespective of the factors in Sections III-
 102 B and C, and shall not be subject to RIF.
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104 **V. RECALL**

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- 107 A. Recall will be in the reverse order of reduction: seniority, provisional or conditional license,
 108 then unsatisfactory summative rating. Recall rights shall exist for an 18 month period.
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- 110 B. RIFed teachers will be notified of recall by certified mail sent to the last noted address on
 111 record with the Human Resources Office. It shall be the responsibility of the teacher to
 112 maintain an accurate address with the Human Resources Office. If the recall is not accepted in
 113 writing within ten (10) days of receipt of notice, rights of recall will be forfeited. If notice of
 114 recall is undeliverable because of the actions of the employee, rights of recall will be forfeited.
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- 116 C. Upon recall to employment, eligible employees will resume placement on the salary scale
 117 commensurate with the years of service but will not receive credit for the RIFed period.
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- 119 D. Should an eligible teacher refuse a reassignment, he/she will be released from employment and
 120 will not be listed for recall.
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- 122 E. New teachers may be employed after all RIFed teachers have been recalled or determined to be
 123 unqualified to fill the vacancy.
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- 125 F. A teacher shall not be eligible for recall if, subsequent to being RIFed, the teacher:
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- 127 1. Waives recall rights in writing;
 - 128 2. Resigns;
 - 129 3. Becomes unable to qualify for a position in his/her area of endorsement;
 - 130 4. Fails to maintain a valid teacher's license;
 - 131 5. Makes contractual commitments with another school or school division from which
 132 release cannot be obtained within two (2) weeks of notification; or
 - 133 6. Fails to report to work in a position he or she has accepted within a reasonable
 134 amount of time as determined by the school division.
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136 **VI. PERSONNEL RECORD**

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138 To avoid negative implications with regard to the professional record of a teacher RIFed under this
 139 regulation, the personnel record of the employee will show clearly that such termination of
 140 employment was due to reduction in force.
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VII. SERVICES

Teachers who are RIFed shall be offered information in the following areas: Other teaching opportunities, e.g., part-time work; attainment of additional teaching endorsements; unemployment compensation; and processing and continuation of selected employee benefits.

VIII. APPEALS

As set forth above, a teacher who has received notice that he or she will be subject to a RIF may request a meeting with the Superintendent, or, at the Superintendent’s discretion, with the Superintendent’s designee. The intent of this provision is to provide an opportunity for a teacher to discuss the reasons for such RIF with the Superintendent or designee. This provision is meant to be procedural only. Nothing contained herein shall be taken to constitute any right to grieve or otherwise appeal a RIF as provided herein.

Established: November 17, 1998
 Revised: November 21, 2002
 Revised: May 18, 2006
 Revised: June 23, 2016

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304, 22.305(G)

Cross Refs.: GCG Professional Staff Probationary Term and Continuing Contract
 GCPA Reduction in Licensed Staff Workforce