

Superintendent File: GCQA-R

INSTRUCTIONAL STAFF REDUCTION IN FORCE

The following procedures shall be followed in effecting a reduction in the instructional staff work force.

1. Notice to individual teacher

After the superintendent or his/her designee has submitted recommendations to the Board for the cancellation of employment of particular teachers, the Superintendent or his/her designee shall cause written notice to be given to each teacher whose contract will be considered by the Board for cancellation.

The written notice shall include:

- a. A notice of intent to cancel the teacher's contract setting forth the basis for identifying that teacher for reduction; and
- b. A copy of the Board's adopted statement pursuant to Board policy GCQA; and
- c. A copy of this regulation and Board policy GCQA.

Notice shall be served upon the teacher personally or by certified or registered mail to the teacher's address as it appears in the District's records. It shall be the teacher's responsibility to ensure that the District has the teacher's current address on file.

2. Review of individual cancellations

Within 5 working days after receiving such written notice, the teacher may file a notice of objection and request for a hearing ("Request"). The Request must be in writing and addressed to the superintendent. The Request must specify the grounds on which the teacher objects to his/her reduction and a short statement of facts that the teacher believes support the contention. If the teacher fails to file a written Request within said time, such failure shall be deemed to be a waiver of the right to a hearing. The Board shall act on the cancellation of employment of any teachers who are provided proper notice and do not timely file a Request at the Board's next regular meeting or at a special meeting called for that purpose.

Within 30 days after receiving the Request, a hearing shall be held before a hearing officer. The teacher shall be given at least seven days' notice of the hearing. The hearing shall be limited to the following issues:

- a. was there a rational basis for the Board's determination that a fiscal exigency exists and/or program change was necessary or appropriate?
- b. was the procedure used by the District to select the teacher for reduction arbitrary or capricious?
- c. was the decision to cancel the employment of the teacher arbitrary or capricious?

3. Conduct of hearing

The hearing shall be conducted by the designated hearing officer informally and, upon request of either party, in private. The teacher may be represented by counsel. The District will have no obligation to pay for the service of counsel representing the teacher. A recorded transcription of the proceedings shall be made and maintained and copies of the transcript shall be made available at the expense of the party who makes the request.

Unless otherwise mutually agreed, the hearing shall begin with the teacher's presentation, limited to those grounds specified in the Request and supported by testimonial and documentary evidence. The superintendent, superintendent's designee or the District's counsel may then present testimonial and documentary evidence in rebuttal of the teacher's contentions or in support of the decision to cancel the teacher's employment contract. The hearing officer may establish other procedural rules as appropriate. Any hearing conducted pursuant to this regulation shall be completed within two working days after commencement, unless extended by the hearing officer on a showing of good cause, and neither party having more than one day to present its case in chief, unless extended by the hearing officer on a showing of good cause.

After the District completes its presentation, the hearing officer shall consider the matter and may take the matter under advisement. The hearing officer shall make written findings of fact and conclusions as to the issues raised and shall forward these findings and conclusions to the teacher, District and Board within 10 days after the close of the hearing.

4. Procedure after hearing

The Board will be bound by the hearing officer's findings of fact as long as there is support in the record for such findings. However, any conclusions drawn from those findings will not be binding upon the Board.

The Board shall act on the hearing officer's findings and conclusions at its next regular meeting following receipt of the findings and conclusions or at a special meeting called for that purpose. If the Board determines that the teacher's contention has not been established, it will notify the teacher and the superintendent in writing and take action with regard to cancellation of the teacher's contract. If the Board determines that the teacher's contention has been established, it shall provide written notice to the teacher and the superintendent that the teacher's contract will not be cancelled and take such action.

5. Exclusive Procedure

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

Approved by the Superintendent: December 8, 2020

CROSS REFS.:

GCQA, Instructional Staff Reduction in Force