

408.05 Certificated Employee Reduction-In-Force

Friday, August 11, 2023

CERTIFICATED EMPLOYEE REDUCTION-IN-FORCE

The board has the exclusive authority to determine the appropriate number of certificated employees. Reductions-in-force of certificated staff members may be required due to changes in the size or nature of the student population, limited financial support, changing programs, staff realignment or other changes in circumstances. Reduction-in-force may result in termination of employment, an amendment to the employee's contract reducing the employee from full-time to part-time status or an amendment to the contract of a part-time employee further reducing that employee's percentage of employment.

Prior to the reduction-in-force the board shall present evidence that such changes in circumstances have occurred. If a reduction of certificated staff is necessary, the superintendent or designee shall recommend to the school board those certificated employees to be reduced in employment under the provisions of this policy. No permanent employee may be selected for a 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 school board, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no rights under this policy to any administrative position within the school system.

The selection of personnel to be terminated shall be made with consideration given to the following:

1. Programs to be offered;
2. Areas of certification and endorsement;
3. State and federal regulations which may mandate certain employment practices;

4. Special qualifications that may require specific training and/or experience;
5. Contributions to activity programs;
6. Qualifications based on past performance and competence as determined by the principal and/or superintendent through employee evaluation procedures;
7. The organizational and educational impact created by multiple part-time certificated employees; and
8. Any other reasons which can be rationally related to the instruction in or administration of the school system.

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

If, after consideration of the above, it is the opinion of the superintendent that no significant difference exists between certificated employees being considered for reduction-in-force, then the employee with the longest uninterrupted service to the district shall be retained.

The applicable state statutes for all employees selected for a reduction-in-force shall be followed.

Any certificated employee whose contract shall be 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 position for which he or she is qualified by endorsement or college preparation to teach. The employee shall, upon reappointment, retain any benefits that had accrued to that 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 a copy of the employee's teaching certificate (including endorsements) upon initial employment with the district. On or before March 15th of each year thereafter (for so long as the employee is employed in the school system or has rights of recall) evidence of any changes in the employee's certification or endorsements which have occurred since the previous year or are pending shall be filed with the superintendent.

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

Legal Reference:

Neb. Statute 79-846 to 849

79-824 to 844

Cross Reference:

402 Employees and Internal Relations

406.08 Certificated Employee Evaluation