

REDUCTION IN LICENSED STAFF WORKFORCE REGULATIONS

General reduction in total personnel and redistribution of personnel within designated programs is done in accordance with Alexandria City Public Schools (ACPS) policies and regulations.

The processes and guidelines in this document are used 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 are based on the best available information and the spirit of this regulation. RIFs occur under the guidelines outlined below.

Definitions

The following definitions apply for the purpose of this regulation.

Teacher - For the purpose of this regulation, “teacher” includes 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.

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 are ranked by date of employee signature on the contract offer that resulted in the most recent period of continuous teacher service.

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 is 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.

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 Alexandria City High School 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 is determined according to position rather than endorsement.

Order of Reduction

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 informs, in writing, those licensed employees who may be affected by the recommended reduction. Such employees have the opportunity to meet with the Superintendent’s designee to discuss the order of reduction.

49 Excess of Teachers in a Teaching Area

50
51 Whenever the Superintendent determines that there is an excess number of teachers in a teaching
52 area, the teachers in that teaching area will be reduced in the following order:

- 53
54 1. Least senior licensed employees within the teaching area who have received unsatisfactory
55 ratings on the most recent summative evaluation during a previous year.
56 2. If it is necessary to lay-off teachers in a category, teachers serving under provisional or
57 conditional licenses in that category will be identified for lay-off before teachers with
58 collegiate or post graduate professional licenses.
59 3. If none, the least senior licensed employee within the teaching area.

60 Excess of Teachers in a Teaching Program

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63 Whenever the Superintendent determines that there is an excess number of teachers in a teaching
64 program, the teachers in the program will be reduced in the following order:

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66 1. Least senior licensed employees within the teaching program who have received
67 unsatisfactory summative ratings within the most recent formal evaluation cycle.
68 2. If it is necessary to lay-off teachers in a category, teachers serving under provisional or
69 conditional licenses in that category will be identified for lay-off before teachers with
70 collegial professional licenses.
71 3. If none, the least senior licensed employee within the teaching program.

72 73 **Multiple Assignments**

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75 If a teacher is actively assigned in two or more teaching areas/programs, the one representing the longer
76 period of daily time will be designated. If the assignments represent equal periods of daily time, the
77 teacher may request designation of a specific teaching area/program at the beginning of the school year
78 by indicating a preference in writing to the principal or program manager. In such a case, the principal
79 or program manager will designate the teaching area/program.

80 81 **Additional Criteria**

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83 The selection of personnel to be reassigned from one school or facility to another will be governed by
84 the need to maintain the maximum effectiveness of the school/facility involved as determined by the
85 Superintendent.

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87 New salaries for teachers will be based on the position assigned. RIFed teachers are not eligible to
88 exercise employment rights involving longer contracts regardless of endorsement status or length of
89 service.

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91 Length of day or work year is not a factor in the designation of full-time employees for RIF.

92 93 **Exceptions**

95 Notwithstanding any other provision dealing with RIF, a maximum of one (1) percent of the teacher
 96 workforce may be retained by the Superintendent, irrespective of the factors in this regulation, and shall
 97 not be subject to RIF.

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 99 **Recall**

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 101 If a licensed staff member has been notified of a potential RIF, they may apply for any open position.
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103 If the licensed staff member is unable to find an open position, they will be placed on the recall list.
 104 Exception: If the licensed staff member has received unsatisfactory ratings on the most recent
 105 summative evaluation during a previous year, they may apply for open positions but will not be
 106 placed on the recall list.

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 108 Recall will be based on seniority. Recall rights exist for an 18 month period.

109
 110 Recalled RIFed teachers will be placed by the Superintendent in available positions based on
 111 programmatic needs.

112
 113 Recalled RIFed teachers will be notified of recall by certified mail sent to the last noted address on record
 114 with the Department of Human Resources. It is the responsibility of the teacher to maintain an accurate
 115 address with the Department of Human Resources. If the recall is not accepted in writing within ten (10)
 116 days of receipt of notice, rights of recall will be forfeited. If notice of recall is undeliverable because of
 117 the actions of the employee, rights of recall will be forfeited.

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 119 Upon recall to employment, eligible employees will resume placement on the salary scale commensurate
 120 with the years of service but will not receive credit for the RIFed period.

121
 122 Should an eligible teacher refuse a reassignment, they will be released from employment and will not be
 123 listed for recall.

124
 125 New teachers may be employed after all RIFed teachers have been recalled or determined to be
 126 unqualified to fill the vacancy.

127
 128 A teacher shall not be eligible for recall if, subsequent to being RIFed, the teacher:

- 129 ● Waives recall rights in writing;
- 130 ● Resigns;
- 131 ● Becomes unable to qualify for a position in his/her area of endorsement;
- 132 ● Fails to maintain a valid teacher's license;
- 133 ● Makes contractual commitments with another school or school division from which release
 134 cannot be obtained within two (2) weeks of notification; or
- 135 ● Fails to report to work in a position he or she has accepted within a reasonable amount of time
 136 as determined by the school division.

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 138 **Personnel Record**

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

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Services

Teachers who are RIFed will 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.

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Appeals

As set forth above, a teacher who has received notice that they 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.

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

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

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

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DefinitionsDEFINITIONS

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

Teacher - For the purpose of this regulation, “teacher” ~~shall~~ includes 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.

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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 ~~is shall be~~ determined according to position ~~function~~ rather than endorsement.

Commented [1]: replaced position with function.

Order of ReductionORDER OF REDUCTION

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~~ informs, 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.

Excess of Teachers in a Teaching Area

Whenever the Superintendent determines that there is an excess number of teachers in a teaching area, the teachers in that teaching area ~~shall~~will be reduced in the following order:

- 1. 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.
- 2. 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.
- 3. If none, the least senior licensed employee within the teaching area ~~(as defined in section II-C)~~.

Commented [2]: The equity team was concerned that this could result that a teacher with a low rating could be placed in another school with an open position. If that's not the intent, it needs be reworded.

Commented [3]: Changed the recall so that someone who is RIFed with an unsatisfactory is not recalled (placed)

Excess of Teachers in a Teaching Program

Whenever the Superintendent determines that there is an excess number of teachers in a teaching program, the teachers in the program will ~~shall~~ be reduced in the following order:

- 1. 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.
- 2. 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.
- 3. If none, the least senior licensed employee within the teaching program ~~(as defined in section II-D)~~.

Multiple Assignments

If a teacher is actively assigned in two or more ~~different~~ teaching areas/programs, the one representing the longer period of daily time ~~shall~~will 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~~will designate the teaching area/program.

Commented [4]: If there are two or more could they ever not be different?

Additional Criteria

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.

New salaries for teachers will be based on the position assigned. RIFed teachers ~~are~~shall not ~~be~~ eligible to exercise employment rights involving longer contracts regardless of endorsement status or length of service.

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98 Length of day or work year ~~is shall not be~~ a factor in the designation of full-time employees for RIF.
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100 ~~Exceptions~~**EXCEPTIONS**

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

Commented [5]: Sections are not numbered

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106 ~~Recall~~**RECALL**

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108 ~~If a licensed staff member has been notified of a potential RIF, they may apply for any open position.~~

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110 ~~If the licensed staff member is unable to find an open position, they will be placed on the recall list.~~

111 ~~Exception: If the licensed staff member has received unsatisfactory ratings on the most recent~~
112 ~~summative evaluation during a previous year, they may apply for open positions but will not be~~
113 ~~placed on the recall list.~~

Commented [6]: With this adjustment, staff who have an unsatisfactory rating are the first to be RIFed and are not subject to recall.

114
115 Recall will be ~~based on in the reverse order of reduction:~~ seniority, ~~provisional or conditional license,~~
116 ~~then unsatisfactory summative rating.~~ Recall rights ~~shall~~ exist for an 18 month period.

117
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121 ~~Recalled~~ RIFed teachers will be notified of recall by certified mail sent to the last noted address on record
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123 maintain an accurate address with the ~~Department of Human Resources-Office~~. If the recall is not
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