

## REGULATION FOR REDUCTION IN FORCE

In the event that it becomes necessary to reduce the number of teachers for any reason, the Board shall declare a reduction in force in compliance with the following procedures.

### SECTION I – DEFINITIONS

#### 1. Teacher

As used in this regulation, “teacher” shall mean a regularly employed full-time classroom teacher, school counselor, or library/media specialist.

#### 2. Seniority

Seniority shall be that period of time commencing with the most recent term of continuous full-time service in the Westmoreland County Public Schools based on date of the contract with Westmoreland County Public Schools, including authorized leave(s) (except extended leaves of absence without pay), but excluding employment under a temporary or interim contract. For the purposes of this regulation, a minimum of 180 workdays in a school year will be required for a teacher to be credited with a year of seniority. Should a tie exist, the tie shall be broken in the following order:

- a. official beginning date of employment as shown on the teacher’s contract;
- b. the date the School Board took action on the employment of the teacher as shown in the Board’s minutes;
- c. date of teacher’s signature on the teacher’s contract; and
- d. selection by lot.

#### 3. Endorsement Area

For purposes of this regulation, “endorsement area” shall mean the teaching endorsement shown on the current teaching license as issued by the Board of Education.

#### 4. Active Assignment

For purposes of this policy, “active assignment” shall mean the endorsement area in which the teacher is actively assigned at such time as it may become necessary to implement reduction in force procedures.

5. Performance Evaluation

For purposes of this regulation, “performance evaluation” shall mean the evaluation of the employee’s performance as reflected in both formal and informal instruments, including, but not limited to, classroom observations, letters of reprimand, etc.

Seniority Lists for Teachers:

Seniority lists for teachers will be shown in ascending order of seniority and shall be comprised of lists based on the endorsement or other special areas of the active assignment as follows (or on the comparable endorsement areas under the Licensure Regulations of the Board of Education in effect at the time it may become necessary to implement reduction in force procedures):

Subject Areas – English, Mathematics, History/Social Studies, Etc.

Early/Primary Education – PK-3

Elementary Education – PK-6

Middle Education – 6-8

Special Areas – Special Education, Federal or other specially funded programs, Adult Education, or other special areas.

A teacher holding a comprehensive elementary endorsement of grades PK-3 or PK-6 will be listed in the first category that is appropriate to the teacher’s active assignment, i.e. either PK-3 or PK-6.

Reduction in Force Procedures:

SECTION II – PROCEDURE

1. Continuing Contract Teachers:

When recommending the de-staffing of teachers under continuing contract the Superintendent will consider the performance of the teacher as reflected in that teacher’s performance evaluation and the teacher’s seniority as defined as above. The Superintendent may also consider other factors such as employee licensure and endorsement(s). If the superintendent determines that two or more employees under consideration for reduction are equal after application of the above-identified criteria, then and only then shall seniority be the determining factor.

2. Probationary Contract Teachers:

De-staffing of probationary contract teachers on or before June 15 will be in accordance with the procedures set forth in §22.1-305 of the Code of Virginia. Except as provided hereafter, the de-staffing of probationary contract teachers after June 15 will be in accordance with the provisions of this regulation.

Transfers:

Transfers may be made within the division to accommodate the retention of employees affected by the reduction in force. The selection of personnel to be transferred will be governed by the need to maintain maximum effectiveness as determined by the superintendent in his/her sole discretion. Should a person refuse an assignment by transfer, he/she will lose all seniority and recall rights.

Exceptions:

- a. The provisions of this regulation shall not apply to the employment of personnel whose special skills and/or active assignment are essential to the effective operation of the school program. The determination of essential personnel shall be solely at the discretion of the school board upon recommendation of the superintendent.
- b. The provisions of this regulation shall not apply and shall not provide the basis for any employee action in situations involving adjustments in length of contracts of any personnel of the school division.
- c. Any teacher on a plan of improvement shall not have any seniority or recall rights; provided, however, that the superintendent shall review the circumstances surrounding such plan of improvement, including, but not limited to, whether sufficient time has elapsed to allow the teacher to pursue the recommended corrective actions; whether the teacher has diligently pursued the recommended corrective actions; and whether the teacher had been previously placed on a plan of improvement. Based on such review, the superintendent may, in his/her sole discretion, exempt the teacher from this provision.

Notification:

All employees scheduled for reduction in force under this policy shall be notified in writing at the earliest possible date but not later than June 15 preceding the school year for which reduction in force shall become effective unless insufficient funding or decrease in enrollment after that date requires further or additional adjustments. A letter stating the reason for the reduction will be placed in the personnel file of each reduced teacher.

### SECTION III – RECALL PROCEDURE

- a. Teachers under probationary contract shall have no recall rights but will be given consideration for reemployment at the discretion of the school board upon recommendation of the superintendent. The performance of the individual and length of service shall be among the factors considered in making this recommendation.
- b. When openings occur, the eligible de-staffed continuing contract teacher with the greatest seniority will be offered a vacant position in the endorsement area of his/her active assignment at the time of the reduction in force. A teacher may be offered a position that is in his/her endorsement area, but not in his/her active assignment. In any event, a teacher offered a position must accept the assignment or lose all recall rights. Eligible licensed employees who have not been recalled within one (1) year from time of notification of reduction in force will have no further recall rights. During the recall period, eligible licensed employees who are reduced and who have not been offered a position will be placed on the list of eligible substitutes and subject to call at the discretion of the particular principal or his or her designee.
- c. When an eligible de-staffed continuing contract teacher is to be recalled, he/she will be notified first by telephone and/or e-mail. If the employee cannot be reached through either of those means, the teacher will be notified by certified mail at his/her last known address. If the offer of re-employment is not accepted in writing within ten (10) workdays of notice of recall, all rights of recall will be forfeited. It shall be the responsibility of the teacher to maintain an accurate telephone number, e-mail address and mailing address with the Department of Human Resources.

#### Teachers will not be eligible for recall if:

- a. The teacher, subsequent to termination, makes a contractual commitment with another school or school division from which release cannot be obtained prior to July 15.
- b. The teacher fails to maintain a valid teacher's license.
- c. The teacher, subsequent to termination, becomes unable to qualify for a position in the endorsement area of his active assignment at the time of the reduction in force.

#### Board Minutes:

To avoid negative implications with regard to the professional record of an employee de-staffed under this regulation, the minutes of the board will clearly show that such termination of employment was due to a reduction in force.

Board Prerogatives:

Notwithstanding any rights herein granted by the school board, the school board reserves the right to at all times de-staff, transfer, reassign or recall employees of the division in any manner as may be, in the school board's sole discretion, necessary in the best interest of and for the more efficient operation of the schools of the division.

Questions, which may arise regarding the application of this regulation, will be answered by an interpretation of the Superintendent subject to review by the School Board.

Adopted: April 14, 2003

Amended: April 18, 2011

Amended: July 16, 2012

Amended: November 19, 2012

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