

Marion County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Staff Positions	Descriptor Code: 5.116	Issued Date: 05/20/03
		Rescinds: 5.116	Issued: 07/19/01

1 **CREATION OF POSITION**

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3 All staff positions shall be approved through the budget process in accordance with an organizational plan
4 submitted by the director of schools.¹ Before an additional position is established, the director of schools
5 will present to the Board a job description, qualifications, performance responsibilities and the method
6 by which the performance of these responsibilities will be evaluated. All changes in the organizational
7 plan shall be approved by the Board.

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9 **REDUCTION IN FORCE**

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11 When it becomes necessary to reduce the number of positions in the system because of a decrease in
12 enrollment or for other good reasons, the Board shall abolish the positions and dismiss such employees
13 as may be necessary.² Dismissal of such employees shall be in accordance with this policy subject to any
14 contractual obligations.

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16 Reductions in staff will be made according to which have the least detrimental effect on children. In
17 general, this objective dictates a staff reduction policy which:

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19 1. Retains the most effective teachers;
20 2. Avoids undue increases in class size; and
21 3. Provides consideration for the exceptional teacher without exclusive emphasis on seniority.

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23 The elimination of a position does not necessarily mean the person occupying the position will be
24 dismissed. When an employee is released, it is the responsibility of the director to make a recommen-
25 dation to the Board about which employee shall be released and to justify the recommendation based upon
26 a composite of the following criteria:

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28 1. Effectiveness in teaching and in related professional responsibilities evidenced by teacher
29 evaluation;
30 2. Adaptability to other assignments (academic and extracurricular);
31 3. Evidence of professional growth as well as specialized or advanced training;
32 4. Previous history of grade levels and subject areas taught; and
33 5. Type, length and quality of service made to the teaching profession and the school system.

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35 When a teacher is released because of reduction in staff, the teacher shall be given written notice of release
36 explaining the circumstances or conditions making dismissal necessary.

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1 **Non-Licensed Personnel**

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3 When a non-licensed employee is released because of a reduction in the number of support positions, the
4 director of schools shall give the employee written notice of dismissal explaining the circumstances or
5 conditions making termination of employment necessary. ³
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7 The contract of each non-licensed employee shall contain a statement regarding the reduction in force
8 policy.
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10 **RECALL**

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12 The director of schools shall maintain a preferred re-employment list for tenured teachers whose position
13 is abolished.³ The fitness of any teacher for re-employment shall be determined on the basis of the
14 teacher’s competence, compatibility and suitability to properly discharge the duties required by the
15 position with consideration for the best interests of the students in the school where the vacancy exists.²
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17 It shall be the responsibility of the separated teacher to notify the director of schools in writing of his/
18 her availability and current address. A professional employee who is placed on the preferred re-employ-
19 ment list and subsequently refuses the offer of a comparable position will be removed from the preferred
20 list.⁴
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22 Any teacher who has been on the preferred list for re-employment for two (2) consecutive years shall,
23 by April 1 of the second consecutive year, receive notice that the teacher's name shall be removed from
24 the list. The director shall send the notice to the last known address of the teacher. A teacher who wishes
25 to remain on the preferred list for re-employment after the second year shall notify the director of schools
26 in writing by April 15 of the second year and each subsequent year of his or her desire to remain on the
27 preferred list for re-employment.⁴
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29 Employees returning from lay-off shall have all previously accrued sick leave and seniority reinstated, but
30 shall not receive benefits for the period of the layoff.
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Legal References:

- 41 1. OP Tenn. Atty. Gen. 93-66 (November 29, 1993)
42 2. TCA 49-5-409(d); TCA 49-2-301 (b) (1) (EE)
43 3. TCA 49-5-511(b)(1)
44 4. TCA 49-5-511(b)(4)
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