

Germantown Municipal School District

Monitoring: Review: Annually, in March	Descriptor Term: Staff Positions	Descriptor Code: 5.116	Issued Date: 05/05/14
		Rescinds:	Issued:

1 All staff positions shall be approved through the budget process in accordance with an organizational
2 plan submitted by the Superintendent.¹ The Superintendent may revise the organizational plan as long
3 as budgetary amounts are not exceeded and board policy is not violated. In the event of
4 reorganization, the Superintendent shall adhere to all applicable reduction in force guidelines and shall
5 inform, in a timely manner, the Board of the change and include the change in the Superintendent's
6 report at the next board meeting. If changes in personnel create additional encumbrances on a future
7 budget, prior approval of the Board is required.

8 **REDUCTION IN FORCE**

9 When it becomes necessary to reduce the number of positions in the system because of a decrease in
10 enrollment or for other good reasons, the Board shall abolish the positions. The Board or the
11 Superintendent, as appropriate, shall dismiss such employees as may be necessary.²

12 **Licensed Personnel**

13 Reductions in staff shall be made in an attempt to have the least detrimental effect on children. In
14 general, this objective dictates a staff reduction policy which:

- 15 1. Retains the most effective teachers;
- 16 2. Avoids undue increases in class size; and
- 17 3. Provides consideration for the exceptional teacher without exclusive emphasis on seniority.

18 The elimination of a position does not necessarily mean the person occupying the position will be
19 dismissed. When an employee is released, the Superintendent shall make the decision based upon a
20 composite of the following criteria:

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

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

1 **Non-Licensed Personnel**

2 When a non-licensed employee is released because of a reduction in the number of support positions,
3 the Superintendent shall give the employee written notice of dismissal explaining the circumstances or
4 conditions making termination of the employee necessary.³

5 **RECALL**

6 The Superintendent shall maintain a preferred re-employment list for tenured teachers whose position
7 is abolished.³ The fitness of any teacher for re-employment shall be determined on the basis of the
8 teacher's competence, compatibility and suitability to properly discharge the duties required by the
9 position with consideration for the best interests of the students in the school where the vacancy
10 exists.²

11 It shall be the responsibility of the separated teacher to notify the Superintendent in writing of his/her
12 availability and current address. A professional employee who is placed on the preferred re-
13 employment list and subsequently refuses the offer of a comparable position shall be removed from the
14 preferred list.⁴

15 Any teacher who has been on the preferred list for re-employment for two (2) consecutive years shall,
16 by April 1 of the second consecutive year, receive notice that the teacher's name shall be removed
17 from the list. The director shall send the notice to the last known address of the teacher. A teacher
18 who wishes to remain on the preferred list for re-employment after the second year shall notify the
19 Superintendent in writing by April 15 of the second year and each subsequent year of his or her desire
20 to remain on the preferred list for re-employment.⁴

21 Employees returning from lay-off shall have all previously accrued sick leave and years of service
22 reinstated, but shall not receive benefits for the period of the layoff.

Legal References

1. OP Tenn. Atty. Gen. 93-66 (November 29, 1993)
2. TCA 49-5-409(c); TCA 49-2-301(b)(1)(EE); TCA 49-5-511(b)(1).
3. TCA 49-5-511(b)(1)—(4)
4. TCA 49-5-511(b)(4)