

Decatur County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Staff Positions	Descriptor Code: 5.116	Issued Date: 07/13/17
		Rescinds: 5.116	Issued: 08/08/02

1 CREATION OF POSITION

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

6 The director of schools may revise the organizational plan as long as budgetary amounts are not exceeded
7 and board policy is not violated. In the event of reorganization, the director of schools shall adhere to all
8 applicable reduction in force guidelines and shall inform, in a timely manner, the board of the change
9 and include the change in the director's report at the next board meeting. If changes in personnel create
10 additional encumbrances on a future budget, prior approval of the board is required.

11 REDUCTION IN FORCE

12 When it becomes necessary to reduce the number of positions in the system because of a decrease in
13 enrollment or for other good reasons, the board shall abolish the positions. The board or the director of
14 schools, as appropriate, shall dismiss such employees as may be necessary.²

15 Licensed Personnel

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

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

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

- 25 1. Effectiveness in teaching and in related professional responsibilities evidenced by teacher
26 evaluation;
- 27 2. Adaptability to other assignments (academic and extracurricular);
- 28 3. Evidence of professional growth as well as specialized or advanced training;

1 4. Previous history of grade levels and subject areas taught; and

2 5. Type, length and quality of service made to the teaching profession and the school system.

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

5 **Non-Licensed Personnel**

6 When a non-licensed employee is released because of a reduction in the number of support positions,
7 the director of schools shall give the employee written notice of dismissal explaining the circumstances
8 or conditions making termination of employment necessary.³

9 The contract of each non-licensed employee shall contain a statement regarding the reduction in force
10 policy.

11 **RECALL**

12 The director of schools shall maintain a preferred re-employment list for tenured teachers whose
13 positions are abolished.³ The fitness of any teacher for re-employment shall be determined on the basis
14 of the teacher's competence, compatibility and suitability to properly discharge the duties required by
15 the position with consideration for the best interests of the students in the school where the vacancy
16 exists.²

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

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

26 Employees returning from lay-off shall have all previously accrued sick leave and seniority re- instated,
27 but they 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)