

# Van Buren County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term:  <b>Staff Positions</b>	Descriptor Code: 5.116	Issued Date: 03/21/02
		Rescinds: 5.116	Issued: 06/17/99

## 1 CREATION OF POSITION

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

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

## 14 15 REDUCTION IN FORCE

16  
17 When it becomes necessary to reduce the number of positions in the system because of a decrease  
18 in enrollment or for other good reasons, the Board shall abolish the positions and dismiss such em-  
19 ployees as may be necessary.<sup>2</sup>

## 20 21 Licensed Personnel

22  
23 Reductions in staff will be made according to which have the least detrimental effect on children. In  
24 general, this objective dictates a staff reduction policy which:

- 25
- 26 1. Retains the most effective teachers;
  - 27 2. Avoids undue increases in class size; and
  - 28 3. Provides consideration for the exceptional teacher without exclusive emphasis on seniority.
- 29

30 The elimination of a position does not necessarily mean the person occupying the position will be  
31 dismissed. When an employee is released, it is the responsibility of the director to make a recom-  
32 mendation to the Board about which employee shall be released and to justify the recommendation  
33 based upon a composite of the following criteria:

- 34
- 35 1. Effectiveness in teaching and in related professional responsibilities evidenced by teacher  
36 evaluation;
  - 37 2. Adaptability to other assignments (academic and extracurricular);
  - 38 3. Evidence of professional growth as well as specialized or advanced training;
  - 39 4. Previous history of grade levels and subject areas taught; and
  - 40 5. Type, length and quality of service made to the teaching profession and the school system.
- 41

1  
2 When a teacher is released because of reduction in staff, the teacher shall be given written notice of  
3 release explaining the circumstances or conditions making dismissal necessary.

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5 Non-Licensed Personnel

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

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

13  
14 RECALL

15  
16 The director of schools shall maintain a preferred re-employment list for tenured teachers whose  
17 position is abolished.<sup>3</sup> The fitness of any teacher for re-employment shall be determined on the basis  
18 of the teacher's competence, compatibility and suitability to properly discharge the duties required  
19 by the position with consideration for the best interests of the students in the school where the  
20 vacancy exists.<sup>2</sup>

21  
22 It shall be the responsibility of the separated teacher to notify the director of schools in writing of  
23 his/her availability and current address. A professional employee who is placed on the preferred re-  
24 employment list and subsequently refuses the offer of a comparable position will be removed from  
25 the preferred list.<sup>4</sup>

26  
27 Any teacher who has been on the preferred list for re-employment for two (2) consecutive years shall,  
28 by April 1 of the second consecutive year, receive notice that the teacher's name shall be removed  
29 from the list. The director shall send the notice to the last known address of the teacher. A teacher  
30 who wishes to remain on the preferred list for re-employment after the second year shall notify the  
31 director of schools in writing by April 15 of the second year and each subsequent year of his or her  
32 desire to remain on the preferred list for re-employment.<sup>4</sup>

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34 Employees returning from lay-off shall have all previously accrued sick leave and seniority reinstated,  
35 but shall not receive benefits for the period of the layoff.

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45 Legal References:

- 46  
47 1. OP Tenn. Atty. Gen. 93-66 (November 29, 1993)