

**REDUCTION IN FORCE (RIF) POLICY**

**I. GENERAL STATEMENT OF POLICY**

It is recognized that the Board of Trustees of Mountain Home School District No. 193 (MHSD 193) has the responsibility to maintain good public elementary and secondary schools and to implement the educational interest of the state, consistent with state and federal educational requirements, including the district and school attainment of student accountability, school and district improvement plans, accreditation requirements, and other school-based specific issues. However, recognizing also that it may become necessary to eliminate certificated staff positions in certain circumstances, this policy is adopted to provide a fair and orderly process should such elimination become necessary. Nothing herein will prohibit the board from eliminating particular courses or portions or all of an educational program, or otherwise restructuring the course offerings to meet the educational needs of the students.

**II. REASONS FOR ELIMINATION OF CERTIFICATED STAFF POSITIONS**

It is recognized that the Board of MHSD 193 has the sole and exclusive prerogative to eliminate certified staff positions consistent with the provisions of the state statutes.

Elimination of certificated staff positions may result from the following examples including but not limited to:

- a. Decreases in student enrollment
- b. Changes in curriculum
- c. Financial emergency, Financial conditions, or limitations of the District
- d. Reorganization or Consolidation
- e. From other conditions necessitating reductions

The need for implementation of a Reduction in Force and/or the elimination of certificated positions is left to the sole discretion of the Board of Trustees of MHSD 193.

The Board of Trustees of MHSD 193 may choose to implement a RIF through:

- a. The elimination of an entire program or portions of programs;
- b. The elimination of positions in certain grade levels only;
- c. The elimination of positions by category;
- d. The elimination of positions in an overall review of the District;
- e. The elimination of positions through other considerations and implementation decisions;
- f. The elimination of a portion or percentage of a position(s) or
- g. Any combination of the above

**III. DEFINITIONS**

As used in this policy, “teacher” shall apply to any employee of the District who holds a certificate issued by the State Board of Education who is employed in a teaching, directorial, or administrative position, below the rank of Superintendent.

**IV. RETENTION**

Retention will not be made solely on consideration of employee seniority or contract status. Staff retention will be based on a review of relevant factors including, but not limited to, highly qualified status, certification(s), endorsement(s), leadership roles in the school/district, effectiveness in the classroom, master teacher status, and graduate education degree(s), as well as eligible veteran or preference eligible status. Employees subject to reduction in force under this policy will be presumed to have been performing satisfactorily.

The board may terminate a Category 1 employee pursuant to a reduction in force at the end of the contract term. A Category 1 employee is not entitled to a probationary period, notice, or a review by the board of the decision to not reemploy the individual.

The Board may terminate a Category 2 employee in the event of a reduction in force, at the end of the contract term A Category 2 employee will be provided with written notice by the board setting forth the reasons for non-reemployment on or before July 1, but is not entitled to a probationary period or a review by the board of the decision to not reemploy the individual. Upon request, the Category II employee will be given an opportunity for an informal review by the Board.

The board may terminate a Category 3 employee in the event of a reduction in force at the end of the contract term. A Category 3 employee will be provided with written notice by the board setting forth the reasons for non-reemployment on or before July 1, but is not entitled to a probationary period. Upon written request, the employee will be given an opportunity for an informal review by the board as set forth in Policy No: 460, Informal Review Procedure for Certificated Employees.

The board may terminate a renewable contract employee in the event of a reduction in force at the end of the contract term. The employee will be provided with written notice by the board setting forth the reasons for non-reemployment on or before July 1, but is not entitled to a probationary period. The board will hold a formal review for all impacted employees as set forth in Section 33-513, Idaho Code.

**V. PROCEDURES**

1. Prior to commencing action to terminate teacher contracts under this procedure, the Board will give due consideration to its ability to effectuate position elimination and/or reduction in staff by:

- a. Voluntary retirements
  - b. Voluntary resignations
  - c. Transfer of existing staff members
  - d. Voluntary leaves of absence
2. In the event a reduction in staff is required, teachers who are retained pursuant to this policy may be reassigned if suitable position openings are available in instructional areas for which they are Highly Qualified and for which the principal has approved transfer as per the requirements of Title 33, Chapters 5, 10, and 12, Idaho Code.
3. In the Board making a determination as to the individuals to be released pursuant to the Reduction in Force (RIF), consideration will be given to the following criteria:
- a. Area(s) of certification for which the teacher is Highly Qualified, which are classified by the District as Hard to Fill positions
  - b. Number of areas of certification for which the teacher is Highly Qualified
  - c. Educational/Degree status
  - d. National Certifications held
  - e. Position as a Lead or Master Teacher within the District
  - f. Whether or not the teacher is Highly Qualified in a course necessary for High School Graduation requirements
  - g. Whether or not the teacher is Highly Qualified in a course necessary for Junior School advancement
  - h. Instructs a college credited course
  - i. Contribution and/or involvement in extra-curricular or co-curricular positions with students
  - j. Compliant with Professional Standards and Conduct and District Policy.
  - k. Teacher evaluation, including components required by state statute to be encompassed in teacher evaluation
  - l. Seniority

It is the intention of the Board that each of the above criteria be given a point value for consideration of the implementation of this RIF. The appended chart, which is adopted and incorporated as part of this policy, identifies the specific point values for each of these areas of consideration.

It is further the intent of the Board that primary consideration be the quality of instruction and the progress that students are making throughout the course of the school year as well as properly endorsed Highly Qualified instructors to be in classroom positions in order for the District to be compliant with federal and state education requirements.

For each teacher subjected to RIF consideration based upon the Board's method of implementation, a Teacher Profile shall be developed by the Superintendent or designee applying the criterion to each respective teacher.

The factors for consideration shall be reviewed on an annual basis by the District's Administration and Administrative/PD Committee to determine whether factors should be added or eliminated, or weighted differently. Such recommendations for modification will then be brought to the District Policy Committee for actual revision and then before the Board for consideration.

4. If possible, advanced notice of the possible RIF shall be given to all teachers who may be released, based upon the number of teachers who may be released, in whole (full) or in part, and the school programs, teacher positions, or categories of positions that may be affected.
5. With this notification, the Superintendent or designee Department shall provide a copy of the Teacher's Profile, utilizing the established point system, and the steps a teacher should take if they believe that there is an error in their individual Teacher Profile.
  - a. It is recommended that the subject teachers review their personnel file materials with the District's Administrative Office and/or Human Resources Department to assure that the school has appropriate information relating to the various criteria referenced above.
  - b. If a teacher receiving a Teacher Profile believes that there is an error that has been made on their individual profile, the teacher shall notify the Superintendent or designee of their concern of an error by the close of the school day on the third school day after the Teacher Profile has been delivered to the teacher or the teacher's mailbox and/or has received notice of the possible RIF.
  - c. This written notice from the teacher shall specifically identify what element or elements of the Teacher Profile/Personnel File are believed to be erroneous and explain specifically why the element(s) is believed to be in error.
  - d. If the Superintendent or designee receives notice of possible error, each such written notice, timely received, shall be individually reviewed for possible reconsideration or evaluation of the information used to create the Teacher Profile or the information used in consideration of the RIF. This may include a member of the District or School Building's Administration communicating directly with the teacher to obtain more information or documentation relating to the alleged error. If the Superintendent or designee determines that an error was made in completion of the Teacher Profile, a new profile will be created and forwarded to the teacher in question.
  - e. If the Superintendent or designee determines that no error was made in completion of the Teacher Profile, the teacher shall be notified of this determination.
  - f. The teacher shall have a period of three school days to file written notice of an appeal of this decision to the District's Superintendent. Thereafter the Superintendent or designee of the Superintendent shall review the dispute, in whatever manner the Superintendent/designee deems appropriate for the circumstance, and make a final

decision on the issue of the appeal and questioned error of the Teacher Profile.

6. If the Board determines that a RIF in fact will be implemented, the superintendent shall submit a list of the teachers recommended for release, through use of the above process, and shall make recommendation to the Board as to what due process, if any, the Board needs to implement for each individual personnel situation.
7. All releases shall be done in conformance with the applicable provisions of Title 33, Chapters 5, 10, and 12, Idaho Code, and all affected teachers will be promptly notified, in writing, of the Board's decision or actions that need to be taken by the Board relating to applicable due process activities, if any.

**VI. RECALL PROVISIONS (I.C. 33-522A – Reduction in Force Defined)**

If the contract of employment of a teacher is terminated because of the implementation of this RIF policy, the name of the teacher shall be placed upon a reappointment list and remain on such list for a period of one year(s).

If a position becomes open during such period, and the teacher has been selected by the Board as a person on the recall list who is Highly Qualified and most capable of holding the position, then the teacher will be notified in writing by certified mail, sent to the last known address, at least thirty (30) day s prior to the anticipated date of employment, when possible.

In determining whether a teacher is qualified for reappointment, the Board of Trustee shall consider the criteria as set forth. The teacher shall accept or reject the appointment in writing within even (7) days after receipt of such notification. If the appointment is accepted, the teacher shall receive a written contract within twenty (20) days of receipt of the teacher's reply by the Board. If the teacher rejects the appointment offer or does not respond according to this procedure within seven (7) days after receipt of such notification, the name of the teacher will be removed from the recall list.



**LEGAL REFERENCE:**

Idaho Code Sections

33-513 – Professional Personnel

33-514 – Issuance of Annual Contracts – Support Programs – Categories of Contracts –  
Optional Placement

33-515 – Issuance of Renewable Contracts

33-522A – Reduction in Force

65-501, *et. seq.* – Rights and Privileges of Veterans

Baker v. Independent School District, 107 Idaho 608 (1984)

**ADOPTED:** May 2, 2011

Revised: June 18, 2013

Revised: November 20, 2018

**CRITERIA AND MEASURE POINT VALUE**

Name: \_\_\_\_\_

Location: \_\_\_\_\_

Subject of Instruction: \_\_\_\_\_

<b><u>EDUCATIONAL CERTIFICATION AND CREDENTIALS</u></b>			
Highly Qualified in Subject Matter of Instruction	_____ points	One point total	
Highly Qualified in Hard to Fill Position as Determined by Board*	_____ points	One point total	
Highly Qualified in Multiple Subject Matters of Instruction	_____ points per each subject matter of instruction for which Highly Qualified	One point per each	
Advanced Degree – MA/MS	_____ points per degree	One point per each	
Advanced Degree – Doctorate	_____ points per degree	One point per each	
Other Advanced Degree	_____ points per degree	One point per each	
National Board Certification	_____ points	One point total	
Instructs in a course necessary for High School Graduation Requirements	_____ points	One point total	
Instructs in a course necessary for Junior High School advancement	_____ points	One point total	
Instructs a college credited course	_____ points	One point total	
<b><u>PROFESSIONAL CONTRIBUTIONS</u></b>			
Lead Teacher/ Department Head	_____ points	One point total	
Advisor of co-curricular activity	_____ points	One point per activity	
Advisor of extra-curricular activity	_____ points	One point per activity	
<b>SUBTOTAL POINTS</b>	_____ <b>Subtotal Points</b>		

<b><u>TEACHER EVALUATION</u></b>			
For every evaluation determination of exceeding expectations on District Evaluation	_____ points	Two points per evaluation	
For every evaluation determination of meeting expectations on District Evaluations and every year in service	_____ points	One point per evaluation and one point per service	
<b><u>PROFESSIONAL STANDARDS AND CONDUCT</u></b>			
No documented offenses in violation of professional standards or District Policies.			
For each documented offense in violation of professional standards or District Policy, as documented through a reprimand, suspension or other documented notation, subtract <u> 2 </u> points from the total possible points.	_____ points	One point	
<b>TOTAL POINTS</b>	_____ <b>Total Points</b>		
<b><u>TIE BREAKER CONSIDERATIONS</u></b>			
<i>Applicable veteran status</i>	_____ points	<b>One point total</b>	
Number of Certifications for which Highly Qualified	_____ points	One point per certificate	_____ <b>Total Points</b>

\*Highly Qualified Hard to Fill Positions have been determined by the Board to include: Special Education