

REDUCTION IN FORCE  
CONTINUING CONTRACTS

DFFC  
(LOCAL)

<b>Applicability</b>	This policy shall apply when a necessary reduction of personnel requires the discharge of a continuing contract.
<b>General Grounds</b>	A reduction of personnel may take place when the Superintendent recommends and the Board adopts a resolution declaring a financial exigency [see CEA] or determines another need to reduce personnel on continuing contracts.
<b>Definition</b>	“Discharge” as used in this policy shall mean termination of a contract during the contract period.
<b>Teaching Fields</b>	<p>When a reduction of personnel is to be implemented, the Superintendent shall recommend the teaching fields to be affected.</p> <p>Teaching fields may include, for example:</p> <ol style="list-style-type: none"><li>1. Elementary</li><li>2. Special education</li><li>3. Fine arts</li><li>4. Languages other than English</li><li>5. Secondary subject areas</li><li>6. Career and technical education</li><li>7. District administration</li><li>8. Campus administration</li><li>9. Instructional support</li><li>10. Administrative support</li><li>11. Auxiliary</li></ol> <p>The Superintendent’s recommendation may address whether any teaching fields should be:</p> <ol style="list-style-type: none"><li>1. Combined, adjusted, or refined (e.g., “elementary” and “fine arts” can be combined to identify a teaching field of “elementary fine arts” or “instructional support” can be refined to include “instructional – Head Start” or “instructional – temporary interventionists” and so forth); and/or</li><li>2. Applied on a Districtwide or campuswide basis (e.g., “secondary science at [named high school campus]”).</li></ol> <p>The Board shall determine the teaching fields to be affected.</p>

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**Criteria for Decision**

The Superintendent or designee shall apply the following criteria to the employees within an affected teaching field even if the reduction of personnel will result in the discharge of all staff on continuing contracts within the affected teaching field. The criteria are listed in the order of importance and shall be applied sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction of personnel. For example, if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion, and so forth.

1. Performance: Effectiveness, as reflected by:
  - a. The most recent formal appraisal and, if available, consecutive formal appraisals from more than one year [see DNA]; and
  - b. Any other written evaluative information, including disciplinary information, from the last 36 months.

If the Superintendent or designee at his or her discretion decides that the documented performance differences between two or more employees are too insubstantial to rely upon, he or she may proceed to apply the remaining criteria in the order listed below.

2. Qualifications for Current or Projected Assignment: Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
3. Extra Duties: Currently performing an extra-duty assignment, such as department or grade-level chair, band director, athletic coach, or activity sponsor.
4. Professional Background: Professional education and work experience related to the current or projected assignment.
5. Seniority: Length of service in the District, as measured from the employee's most recent date of hire.

Superintendent  
Recommendation

The Superintendent shall recommend to the Board the discharge of the identified employees within the affected teaching fields.

Board Vote

After considering the Superintendent's recommendations, the Board shall determine the employees to be proposed for discharge.

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Notice

If the Board votes to propose discharge of one or more employees, the Superintendent or designee shall provide each employee written notice of the proposed discharge. The notice shall include:

1. The proposed action;
2. A statement of the reason for the proposed action; and
3. Notice that the employee is entitled to a hearing of the type determined by the Board.

**Consideration for Available Positions**

An employee who has received notice of proposed discharge may apply for available positions for which he or she wishes to be considered. The employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures.

If the employee meets the District's objective criteria for the position and is the most qualified internal applicant, the District shall offer the employee the position until:

1. Final action by the Board to end the employee's contract, if the employee does not request a hearing.
2. The evidentiary hearing by the independent hearing examiner, the Board, or other person designated in DFBB(LOCAL), if the employee requests a hearing.

**Hearing Request**

An employee receiving notice of proposed discharge due to financial exigency may request a hearing. The hearing shall be conducted in accordance with DFD or the nonrenewal hearing process in DFBB, as determined by the Board and specified in the notice of proposed discharge.

An employee receiving notice of proposed discharge due to a necessary reduction of personnel not based on financial exigency may request a hearing in accordance with DFD.

**Final Action**

Hearing Requested

If the employee requests a hearing, the Board shall take final action after the hearing in accordance with DFBB or DFD, as applicable, and shall notify the employee in writing.

No Hearing Requested

If the employee does not request a hearing, the Board shall take final action in accordance with DFBB or DFD, as applicable, and shall notify the employee in writing.