

Consistent with the provisions of Board Policy 3131.10, decisions relating to teacher placement will be determined by the Superintendent or designee(s) based upon qualifications, the academic needs and best interest of District students, and the needs and best interest of the District's educational program. Within the teacher placement process, the Superintendent or designee(s) shall strive to place the most effective and qualified teachers in assignments aligned with student and District needs.

Posting of vacancies shall be conducted in accordance with the applicable collective bargaining provisions, if any. All administrative Guidelines are subject to change.

### **Placement or Transfer**

Teachers shall be notified of tentative assignments for the upcoming school year as soon as administratively feasible, so that teachers can be adequately prepared for their assignments. It is acknowledged that reassignments and transfers may be needed due to unanticipated student enrollment and staffing changes. In some cases, staffing changes may be necessary at the start of or after the beginning of a marking period.

1. Principals have the right to realign their staff within the building or department. Principal, Supervisors and/or Administrator department heads will make recommendations to the Superintendent (or designee) regarding staffing preferences and recommendations that may involve moving teachers in and/or out of the building. The Superintendent (or designee) will be responsible for reviewing the requests and will make the final decision on all movements and transfers of faculty.
2. All non-probationary teachers that are rated effective or highly effective will have the right to apply for positions across the district as they are posted in accordance with Article VIII of the DFT contract. In alignment with the letter of agreement signed with the DFT teachers rated minimally effective or ineffective will not have transfer rights. All non-probationary teachers that are rated effective or highly effective shall have the right to put in a transfer to buildings or departments across the district in accordance with the following procedures:
  - a. Unit members desiring transfers will file a single application form with the Department of Human Resources. A maximum of seven (7) schools or departmental assignments may be designated as choices on the transfer application unless, in the opinion of the Director of Human Resources, special circumstances warrant consideration beyond the maximum of seven (7). Transfers must be filed between the first day of work until April 1<sup>st</sup> of the current school year. All copies will be destroyed and/or become invalid on the opening school day of the year following submission.

- b. A primary vacancy is one caused by resignation, retirement, death, movement outside the Union, leave where there is no return to the specific teaching position, and reassignment to a different job title within the Union or the addition of teaching positions brought about by increased enrollment when they are not filled via the surplus and layoff process or by a new hire employee.
- c. If a building is required to surplus position(s), any position that was considered a primary vacancy will fill the need for the surplus. Thus the primary vacancy would not be open to transfer.
- d. The district shall provide written notice via email of a potential interview for a transfer opening. Employees must respond within 48 hours of being offered the interview via written notice (email, fax, in person) telephone. Employees that are offered transfer placements must respond within 48 hours via written notice (email, fax, or in person).

The transfer procedure described in this section shall apply only to primary vacancies which become officially known between the start of the teacher work year and June 30<sup>th</sup>. In the event of resignation or retirement, official notification is the date of receipt in the Human Resources Office of written notice from the teacher creating the vacancy. In the event of death, the date of official notice will be the date of occurrence.

The Department of Human Resources will forward a list, after April 1<sup>st</sup>, to the principals of all schools, and/or the administrators responsible for all departments, to which transfer is requested. The building administrators will use the below listed criteria to fill vacancies. They should interview at least two or preferably three candidates before making a recommendation to fill a vacancy after reviewing appropriate credentials. Principals will normally require an updated resume when considering placement decisions in order to determine qualifications and the potential to be successful in positions applied for via the transfer process. Principals or department administrators must fill vacancies under the transfer list unless the Superintendent or designee determines that the educational interest of the District would not be furthered by that placement. Individuals have the right to request a written response from the administrator if they are not granted an interview or given the position via the Transfer Process.

The superintendent or designee reserves the right to realign all faculty throughout the district.

## **PLACEMENT CRITERIA**

Not in order of priority or importance. Factors which may be considered by the Superintendent or designee(s) in the process include, but are not limited to, the following:

- Teacher Evaluation Performance Ratings
- State (and/or Federal) certification Requirements;
- Highly Qualified/NCLB/ESEA requirements;
- Applicable accreditation (i.e. AdvanceEd) requirements;
- State, Federal or District curriculum requirements and/or regulatory standards, including, but not limited to, conditions established for receipt of foundation, grant or categorical funding;
- Academic Major or Advanced Degree within a subject/content area (i.e. Masters in Reading);
- Specialized Training or Endorsements (i.e. Early Childhood) and the teacher's demonstrated ability to integrate such training into instruction in a meaningful way;
- Successful attainment of (or failure of a teacher to attain and/or complete)
- Specialized Training when offered or required;
- Demonstrated skills or specialized knowledge (i.e. ESL) that will enhance the delivery of educational services to students;
- Number of preparations within an assignment at the secondary level;
- Ability to teach an effective and engaging lesson.
- Student schedule requirements with a building or program;
- Teacher's overall performance rating in his/her most recent evaluation(s);
- Teacher's demonstrated ability to positively impact student growth;
- Teacher's demonstrated ability to collaborate with staff members within a subject/content area department, grade level, and/or building;
- Years of teaching experience at a particular grade level and/or within a subject/content area and the teacher's demonstrated effectiveness in such prior assignments;
- Preference(s) of the teacher;  
and/or
- Any other job-related factor that assists the District in providing quality educational services to students.

In addition, building assignments may take into account the following:

- The need to balance veteran and probationary/inexperienced teaching staff to enhance the opportunity for coaching and support to new staff;
- The need to maintain sufficient English as a Second Language staff or teacher(s) with specialized skills or assignments (including extra duty assignments) within a particular building;
- The need to build or maintain staff capacity in certain skill or subject areas to enhance educational quality in a particular building or program.

The above factors may be considered with respect to assignments, transfers (voluntary and involuntary), job sharing, etc.

As deemed necessary, the Superintendent or designee(s) may revise and/or amend this Administrative Procedure.

**Adult Education, Bilingual Enrichment Programs and any other program that requires teacher certification and Highly Qualified Teaching credentials.** *(excluding summer school positions as there is a specific policy on summer school placement).*

All faculty will have the right to apply for Adult Education, Bilingual Enrichment Programs and any other program that requires teacher certification and Highly Qualified Teaching credentials. The positions will first be posted within the building for at least 3 days and the principal or Departmental Administrator will make decisions on filling those placements based on the educational interests of the building in alignment with the below listed placement criteria. Teachers that are rated ineffective will have no right to participate in the above listed positions. Positions that are not filled by building or department faculty will then be posted district wide for at least 5 days. The principal or Departmental Administrator will make decisions on filling those placements based on the educational interests of the building in alignment with the above listed placement criteria that can be found in these administrative guidelines.

## **EMPLOYMENT OF SUMMER SCHOOL TEACHERS**

*(Including Bilingual Summer School)*

The Board of Education recognizes that it is vital to the successful operation of summer school that positions created by the Board be filled with highly-qualified and competent personnel.

Application for summer school teaching positions shall be made to the Department of Human Resources on forms provided. Applications will be accepted and confirmed according to instructional level: high school, middle school, elementary school and preschool. It is understood that the district wide summer school programs will be posted system-wide. However, summer programs that are operated at the local school level will first be posted in the base building in order to recruit teachers that are most familiar with the school and students in the potential programs.

Teachers on Plan 3 of the Dearborn Public Schools Teacher Evaluation Program shall not be eligible for employment in summer school. Teachers rated as Ineffective or Minimally Effective shall not be eligible for employment in summer school based on the most recent year end evaluation.

If there are more teacher applicants who meet the state and federal Highly Qualified Teacher standards than there are available positions, selection shall be based on the following in rank order starting with one.

1. Attendance during the past summer school program in which the teacher taught
2. Attendance during the past regular school year
3. Success in raising student achievement as measured by achievement and student growth measurements.
4. Ability and skill in classroom management based on the most recently completed year-end evaluation.
5. Attendance at district professional development.
6. The Final Tie Breaker will be seniority.

Any Teacher that applies for a position but is not offered a spot in the summer program will have the right to request the reasons why they were not offered a position. The Associate Superintendent will respond with the specific reason(s) in writing.

(Approved May 13, 2013)

Consistent with the provisions of Board Policy 3130.20, decisions relating to Administrator placement will be determined by the Superintendent or designee(s) based upon qualifications, the academic needs and best interest of District students, and the needs and best interest of the District's educational program. Within the administrator placement process, the Superintendent or designee(s) shall strive to place the most effective and qualified administrators in assignments aligned with student and district needs. Posting of vacancies shall be conducted in accordance with the applicable collective bargaining provisions, if any. All administrative Guidelines are subject to change.

**A. Appointment to Administrative Positions**

The Board and school administration agree that it is the responsibility of the Superintendent of Schools to recruit and recommend for employment the best qualified candidates with appropriate administrative certification available for administrative positions.

It is understood that the Superintendent's recommendation(s) would benefit from prior consultation with the ADSA regarding any prospective assignments within the scope of the ADSA unit.

1. Every year between August 1<sup>st</sup> and May 1<sup>st</sup>, all current administrators may indicate through a written correspondence to the superintendent their preferences for reassignment.
2. When a vacancy occurs, the Superintendent may, using the above as part of his/her consideration, exercise the following options regarding the filling of the vacancy: Voluntary transfers in grade--- Voluntary demotions---Promotions. It is understood that even if a vacancy is not existent, the Superintendent may initiate involuntary transfers for the good of the district. For assistant principal placement, consultation with the current building administrator will be part of the placement process.
3. Should the Superintendent prefer, he/she may initiate, through the Human Resources Department, a notice of vacancy to be publicized in the school district by posting such notice in each school unit of the district and the various central administrative offices, and in such other manner as the Superintendent deems desirable. Such notices will be sent out via district email and copies may be made for distribution at the building or department level for distribution.

4. Any ADSA bargaining unit member may apply in writing( or via electronic email) and be considered for vacancies for which he/she is qualified and certified. A minimum of five school (work) days shall be allowed for applications to be received from any applicant. During the summer months when school is not in session, notice of the vacancy will be emailed by the Human Resources Department to each administrator via district email. A notice of vacancy will also be emailed to the office of the President of the Association of Dearborn Schools Administrators.
5. A Screening Committee will review all such applications for the appropriate qualifications and an interview committee including representation from the ADSA will make recommendations to the Superintendent regarding appointment.
6. Temporary appointments may be made by the Superintendent on an emergency or interim basis. The temporary appointee shall be considered for continuing appointment only in the same manner and on the same basis as other applicants for continuing appointment. A position may not be filled on a temporary basis beyond the end of the contract ending date of the position unless consultation with the ADSA has taken place. The President shall be informed prior to the announcement of any temporary assignments. All administrators that are new appointments to the ADSA bargaining unit will be submitted for approval by the board of education.

**B. Administrative Reorganization, Reclassification or Reassignment**

1. The Superintendent will consult with the ADSA prior to reorganization, reclassification, or reassignment of the administrative staff or the creation of new positions unless, in his/her judgment, an emergency situation requires immediate action, of a temporary nature, in which case he/she will discuss this situation with the ADSA as soon as his/her schedule will allow.
2. It is understood that such consultation is for the purpose of providing the Superintendent with insight regarding the decisions he or she must make that might not otherwise be readily available.
3. Persons excluded from the unit in Section I.A.1 of the ADSA contract shall be able to enter or re-enter the unit in the event of an administrative reorganization or demotion upon consultation with the ADSA.

4. In the event of the extended absence of an administrator (20 or more workdays) the Superintendent, after consulting with the ADSA, will appoint a qualified replacement to assume the responsibilities of the absent administrator.

The Board of Education recognizes that it is vital to the successful operation of summer school that positions created by the Board be filled with highly-qualified and competent personnel.

Application for summer school Administrative positions shall be made to the Department of Human Resources via a letter of intent and resume. Applications will be accepted and confirmed according to instructional level: high school, middle school, elementary school and preschool.

Administrators rated as Ineffective or Minimally Effective shall not be eligible for employment in summer school based on the most recent year end evaluation.

If there are more administrator applicants who meet the state Administrator standards at a specific level than there are available positions, selection of the summer school administrator will be made by the superintendent or designee. The superintendent or designee will use the below listed criteria as a factor in the decision when filling positions. There is no rank order to this criteria but it will be considered in a holistic manner. The superintendent always maintains the right to make a choice that is in the best educational interest of the district regardless of the criteria listed below.

1. Specific skills and demonstrated abilities relative to the assignment including but not limited to hiring staff, scheduling staff and students, and use of technology.
2. Performance during the past summer school program in which the administrator worked.
3. Success with implementing effective student disciplinary models.
4. Success in raising student achievement as measured by achievement and student growth measurements.
5. Ability and skill as an administrator based on the most recently completed year-end evaluation.
6. Attendance and leadership at district professional development.

Any Administrator that applies for a position but is not offered a spot in the summer program will have the right to request the reasons why they were not offered a position. The Associate Superintendent will respond with the specific reason(s) in writing.



(Approved May 13, 2013)

April 25, 2013

1. The Superintendent or Designee will determine if layoff is needed due to budgetary reductions.
2. The Superintendent or Designee will determine where the reductions in staffing are needed based on student enrollment, course requirements, and other factors that are in the best interests of the students and educational programs in Dearborn.
3. The Building Principals will work with the Superintendent (or designee) in order to implement a staff reduction in a particular building via a reduction process.
4. The building principal or department head will submit staffing recommendations to the Superintendent (or designee) that lists which type of teaching assignment will be reduced. (ex. Elementary, secondary with specific content area or areas).
5. The Superintendent (or designee) will develop a layoff and recall list with rankings in accordance with Section 9 and 10 of the layoff and recall policy. The lowest rated teacher in the content area where the reduction is needed will be the first layoff. This process will continue until all reductions are determined based on the rating system. The President of the DFT will be invited to participate in this process.
6. The Superintendent's designee will then submit recommendations to the Superintendent for board approved layoff based on the determination of the reduction of faculty.
7. Affected Teachers will receive layoff notices following approval by the board of education in accordance with state law.
8. If there is a reduction in a building where an employee is laid off then no further action will be necessary. However, in the case that a position is eliminated in a building or department where there are no layoffs, this will initiate a surplus (surplus is defined as not having a placement in the specific building or department) process in that building or department.

9. The formula for surplus will be the same formula that is outlined in section 9 and 10 of the board policy involving layoff and recall. However, any teacher that is rated minimally effective or ineffective will not be subject to surplus. This procedure is in alignment with district past practices and letters of agreement that recognize the need to not move teachers around the district when they are on an individualized development plan (IDP). The Superintendent or designee may choose not to adhere to this procedure if it is determined that the educational interests of the District would not be furthered by that procedure.
10. The Director of Human Resources will work with the DFT president to make a determination as to the placement of teachers that are surplus from a building or department. The teacher must be state certified and highly qualified in order to be placed in a specific vacancy. The Superintendent or designee will have the final say on all placement decisions.
11. The superintendent or designee reserves the right to realign all faculty throughout the district in order to reduce the number of layoffs and/or in the best educational interest of the students and district educational model.

### **Recall Guidelines**

1. Superintendent or Designee will determine where specific vacancies might be present throughout the district. If there are individuals on the layoff/recall list, they will be given the right to be placed in a vacant position (as long as they are not rated ineffective and are on the Plan III Discipline or Assistance Phase of the Evaluation).
2. The Superintendent or designee will then make recall decisions for teachers in order to fill the vacancies that are known.
3. Affected teachers will receive recall notices. The District shall provide written notice via email of recall to teachers and the teacher must accept recall in order to preserve the teacher's employment rights. The teacher on the recall list must respond within 48 hours of being offered a position via written notice (email, fax, or in person). The recall decisions will be submitted for board approval.
4. The superintendent or designee reserves the right to realign all faculty throughout the district in order to reduce the number of layoffs and/or in the best educational interest of the students and district educational model.

**Section 9 and 10 of Board of Education Policy 3131 on Layoff and Recall.**

9. A teacher's effectiveness rating shall be determined according to their most recent performance evaluation. This means that those teachers will be ranked in the following order.

- 1. Ineffective (lowest rating, first to be laid off)**
- 2. Minimally Effective Teachers**
- 3. Effective teachers**
- 4. Highly Effective teachers (last to be laid off).**

This process will also be followed when building principals and/or department heads submit surplus recommendations to the Human Resources Department unless the Superintendent or designee determines that the educational interests of the District would not be furthered by that assignment. The Human Resources Director will review and finalize surplus recommendations.

10 In the event of a tie in the effectiveness rating of teachers subject to potential layoff and/or recall, the tie will be broken based on the following criteria in rank order beginning with A and then going down the list to F.

- a. Those teachers with an ineffective rating will be ranked based on the current process that they are engaged in under the Plan III teacher evaluation process. This tie breaker only applies to teachers that are rated ineffective. This section does not apply to minimally effective, effective or highly effective teachers as a tie-breaker.
  1. Discipline Phase (first to be laid off).
  2. Assistance Phase (in this phase for 65 days or more).
  3. Assistance Phase (in this phase for 36-64 days).
  4. Assistance Phase (in this phase for 35 days or less).
- b. If a teacher is suspended for a total of 5 or more days over a 2 year period they will be laid off prior to those that have less than 4 days of disciplinary suspension(if any).
- c. Teachers on Step 6 or higher of the absence verification procedure will be laid off prior to those that are not.

- d. The teacher's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law. Professional absences will not be included in this calculation. The two most recent years will be calculated on attendance according to the school calendar for teachers (For the purpose of this ranking the 2 years of calculation will include the two proceeding schools year but will end on the same day that the Plan II teacher evaluation year-end documents are due in the Human Resources Department). Any teacher that has less than 16 days of absence over a 2 year period will receive the same rating under this category (the highest possible rating). For example a teacher with 5 absences over a two- year period will receive an equal rating to a teacher with 15 absences over a two-year period. A teacher with 16 or more absences will receive a lower rating. For example a teacher with 18 absences will have a higher rating than those with 20 absences. Teachers with higher levels of absenteeism will receive lower ratings on the layoff and recall list. It is the responsibility of each teacher to code their absence with the appropriate code. The district is not responsible for any absence coding errors. The individual employee must review this information in order to ensure accuracy. This information can be found on the AESOP and E-Voucher Databases.
- e. Attendance at District/Building Professional Development (PD) over a 1 year period. We will use full or half-day professional development days (that are agreed to via the collective bargaining agreement with the DFT for this calculation). The calculation will not include late starts, early arrivals, and staff meeting PD or PD that is scheduled by individual buildings or departments. The teacher's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law.
- f. The teacher's disciplinary record (if suspended for 4 days or less over a 2 year period) outcome. Those that receive suspension will be given a lower rating in this category versus those that receive a written reprimand or warning in their district personnel file.
- g. Seniority

\*Seniority and/or tenure status will not be a factor the District considers under this policy, except as a final tiebreaker. The layoff and/or recall of those covered by this policy are not subject to any grievance or arbitration procedure.

(Approved May 13, 2013)

**Layoff Guidelines**

1. The Superintendent or Designee will determine if layoff is needed due to budgetary reductions.
2. The Superintendent or Designee will determine where the reductions in administrative staffing are needed based on student enrollment, course requirements, and other factors that are in the best interests of the students and educational programs in Dearborn.
3. The Superintendent (or designee) will develop a layoff and recall list with rankings in accordance with Section 16 and 17 of the layoff and recall policy. The Superintendent will review the rankings of faculty and make a determination on appropriate reduction of administrators. This process will continue until all reductions are determined based on the rating system. The President of the ADSA will be consulted during this process. The Superintendent's designee will then submit recommendations to the Superintendent for board approved layoff based on the determination of the reduction of faculty.
4. Affected Administrators will receive layoff notices following approval by the board of education in accordance with state law.
5. The Superintendent will have the final say on all placement decisions.
6. The superintendent reserves the right to realign all faculty throughout the district in order to reduce the number of layoffs and/or in the best educational interest of the students and district educational model.

**Recall Guidelines**

1. The Superintendent or Designee will determine if recall is needed due to vacant positions.
2. The Superintendent (or designee) will develop a layoff and recall list with rankings in accordance with Section 16 and 17 of the layoff and recall policy. The Superintendent will review the rankings of faculty and make a determination on appropriate reduction of administrators. This process will continue until all vacancies are filled based on the rating system. The President of the ADSA will be consulted during this process.
3. Affected Administrators will receive recall notices following approval by the board of education in accordance with state law.
4. The Superintendent will have the final say on all placement decisions.
5. The Superintendent reserves the right to realign all faculty throughout the district in order to reduce the number of layoffs and/or in the best educational interest of the students and district educational model.

(Approved May 13, 2013)

## **POLICY 3130.10**

## **PLACEMENT OF TEACHERS**

The Superintendent or designee shall determine teacher placement based on qualifications (as defined by the District, which shall include but not be limited to state and federal requirements such as certification, Highly Qualified requirements, endorsements, etc.), the academic needs and best interest of District students, and the District's educational program. Teacher preference(s) may also be considered via the district transfer procedures. At all times, the District shall strive to place the most effective and qualified teachers in assignments aligned with student and District needs.

For purposes of this policy, "placement" shall mean and include the filling of vacancies, voluntary and involuntary transfers, and job sharing. "Vacancy" shall mean and include any unoccupied position to be filled by the Board, after all other positions have been filled by District assignments, transfers, or recalls, in the manner and to the extent determined by the District as appropriate.

For purposes of this policy, "teacher" includes individuals whose employment is regulated by the Tenure Act (individuals with teaching certificates as defined by the Teacher Certification Code) and who are assigned to positions within the District for which the Michigan Department of Education (MDE) requires a teaching certificate. Individuals who do not possess teaching certificates but are serving a probationary period under the Tenure Act are also considered a "teacher" for purposes of this policy. This policy applies to any employee that is covered by the collective bargaining agreement with the DFT and the Board of Education. This policy also applies to the filling of Summer School, Adult Education, Bilingual Enrichment Programs and any other program that requires teacher certification and Highly Qualified Teaching credentials.

Teacher placement decisions, and the impact of such decisions on the individual teacher or the bargaining unit, may not be the subject of any terms or conditions within a collective bargaining agreement between the District and a collective bargaining representative of such teachers. The Superintendent or designee shall develop and adopt administrative guidelines/procedures/rules/regulations related to teacher placement.

(Approved May 13, 2013)



## **POLICY 3130.20**

## **PLACEMENT OF ADMINISTRATORS**

The Superintendent or designee shall determine administrator placement based on qualifications (as defined by the District, which shall include but not be limited to state and federal requirements such as certification, Highly Qualified requirements, endorsements, etc.), the academic needs and best interest of District students, and the District's educational program. Administrator preferences may also be considered by the Superintendent. At all times, the District shall strive to place the most effective and qualified administrators in assignments aligned with student and District needs.

For purposes of this policy, "placement" shall mean and include the filling of vacancies, voluntary and involuntary transfers, job sharing. "vacancy" shall mean and include any unoccupied position to be filled by the Board, after all other positions have been filled by District assignments, transfers, or recalls, in the manner and to the extent determined by the District as appropriate.

This policy applies to administrator placement given the fact that administrators in Dearborn have employment that is regulated by the Tenure Act. This policy applies to school administrators (individuals with teaching certificates as defined by the Teacher or Administrator Certification Code), who are assigned to positions within the District for which the Michigan Department of Education (MDE) requires an administrator certificate or equivalent. In addition, this policy applies to any employee that is covered by the collective bargaining agreement with the ADSA and the Board of Education. This policy also applies to the filling of Summer School, Bilingual Programs and any other programs that require administrator certification or equivalent.

Administrator placement decisions, and the impact of such decisions on the individual administrator or the bargaining unit, may not be the subject of any terms or conditions within a collective bargaining agreement between the District and a collective bargaining representative of such administrators. The Superintendent or designee shall develop and adopt administrative guidelines/procedures/rules/regulations related to administrator placement.

(Approved May 13, 2013)

**POLICY 3131**

**REDUCTION AND RECALL OF TEACHERS**

*(Important Note: This policy only involves placement of teachers involving layoff and recall. There is a separate policy that addresses placement issues that do not involve layoff and recall.)*

**REDUCTION IN STAFF**

It is the responsibility of the Board of Education to provide the staff necessary for the implementation of the educational program of the District and the operation of the schools. In making program and staffing decisions, the Board of Education and Superintendent shall determine the size of the teaching staff in response to curricular, fiscal, and other operating conditions and retains the exclusive right to do so. To the extent that such determinations involve the requirements of Section 1248 of the Revised School Code, MCL 380.1248, this policy shall guide the implementation of that statute.

This Policy applies to employees covered by the collective bargaining agreement with the DFT including those covered and/or not covered by the Teacher Tenure Act. The term "teacher" or "employee" when used herein shall refer to all certified professional DFT personnel.

Decisions involving the reduction and recall of professional staff shall be guided by the following standards and procedures:

1. These decisions will be initially premised on retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the established curriculum, grades, and departments.
  - a. All teachers must be properly certified (or otherwise approved or authorized) for all aspects of their assignment. The certification (or authorization/approval status, as applicable) of a teacher shall be determined by the Revised School Code, the Teacher Certification Code, the Michigan Department of Education's Rules for Special Education Programs and Services, and other applicable statutes and regulatory authority.
  - b. All teachers must also be qualified for all aspects of their assignment. Teacher qualifications shall be determined by the Board through reference to the following standards:
    - i. Compliance with applicable state or federal regulatory standards, including, but not limited to, those standards established as a condition to receipt of foundation, grant, or categorical funding;

- ii. Compliance with applicable accreditation requirements;
  - iii. Assessment of the extent to which a teacher's professional training and academic preparation are relevant to an instructional assignment and are predictive of the teacher's effectiveness in that assignment;
  - iv. Assessment of the extent to which a teacher's prior teaching experience is relevant to an instructional assignment and is predictive of the teacher's effectiveness in that assignment; and
  - v. Possession or satisfaction of any qualification requirement(s) contained in a job posting, job description, or administrative regulation pertaining to the position in question which was promulgated in advance of the reduction or recall.
- c. A teacher shall maintain current and valid certification (or approval or authorization, as applicable), and shall be responsible for filing a copy of his/her teaching certificate (or approval or authorization, as applicable) in the Human Resources Department in conformance with requirements of Section 1532 of the Revised School Code. If a teacher petitions for nullification of his/her teaching certificate or any endorsement on that certificate, he/she shall promptly provide written notice of that petition to the Superintendent or designee. A teacher shall supply current documentation to the District of all of the teacher's qualifications (as defined above).
2. The Superintendent or designee shall be responsible, acting within budgetary approval, for establishing the number and type of teaching assignments to implement the approved curriculum. The superintendent will determine where reductions are necessary.
3. All teacher reductions and recalls are subject to formal action and approval by the Board of Education. The formula for both reduction and recall is listed in section 9 and 10 of this policy.

4. When a teaching position has been identified for reduction and there exists a concurrently vacant teaching position for which the incumbent teacher in the position to be reduced is both certified and qualified, and if that teacher has received an overall rating of at least "effective" on his /her most recent year-end performance evaluation, that teacher shall be assigned to the vacant position unless the Superintendent or designee determines that the educational interests of the District would not be furthered by that placement.
  - a. If the incumbent teacher does not meet the necessary certification and qualifications required for the open position, and has received an overall rating of at least "effective" on his /her most recent year-end performance evaluation, the district reserves the right to move existing staff from their current assignment(s) in order to place the incumbent teacher, thereby avoiding laying off the said teacher.
  
5. If one or more teaching positions are to be reduced, the Superintendent (or designee) shall first identify the academic level(s) or department(s) impacted by the reduction. Among those teachers who are certified (or approved or authorized) and qualified to instruct the remaining curriculum within the impacted academic levels or departments, selection of a teacher for layoff shall be based on section 9 and 10 of this policy.
  - a. The District shall provide written notice of layoff to affected teachers. Letters of reassurance will be issued by June 30<sup>th</sup> if possible.
  - b. It is the laid-off teacher's responsibility to maintain current contact information (address, phone and e-mail address) in the Human Resources Department.

In the event of a recall of teachers, the Superintendent or designee shall first identify the grades or departments where additional position(s) will be created. The Superintendent or designee may reassign teachers to the additional position(s) in accordance with District policy regarding teacher placement. Recall of teacher(s) to assignments that remain unfilled shall be accomplished by first recalling the teacher with the highest effectiveness rating who is certified and qualified for the open assignment in accordance with section 9 and 10 of this policy.

- c. The District shall provide written notice via email of recall to teachers and the teacher must accept recall in order to preserve the teacher's employment rights. The teacher on the recall list must respond within 48 hours of being offered a position via written notice (email, fax, or in person).
  - d. A teacher who is recalled and fails to accept recall in a timely manner and fails to report for work by the deadline specified in the recall notice (email), shall be regarded as having forfeited all rights to recall and continued employment unless the Director of Human Resources in his/her discretion, has extended the time limitations, in writing.
6. This Policy shall not operate or be applied to retain or recall a teacher whose most recent performance evaluation contains an overall rating of "ineffective" or "minimally effective". Teachers that are rated ineffective and are in the Discipline or the Assistance Phase of the Plan III evaluation process will have no recall rights. Any teacher that is rated ineffective or minimally effective shall return to the building where they left if they are recalled from laid off status. If it is not possible for the teacher to return to their original building or department then the superintendent or designee will make a determination regarding the final placement from the recall list. Teachers that are rated effective and highly effective will have recall rights of up to 4 years in their area of certification.
7. This Policy shall not operate or be applied to retain or recall a probationary teacher who has received a rating of either minimally effective or ineffective on his/her most recent annual year-end performance evaluation in preference to any tenured teacher who is rated either effective or highly effective on his/her most recent annual year-end performance evaluation.
  - a. A probationary teacher who is rated as effective or highly effective on his or her most recent annual year-end performance evaluation is not subject to being displaced under this policy by a tenured teacher solely because the other teacher has attained tenure under the Teachers' Tenure Act, MCL 38.71 et seq.
  - b. A probationary teacher that is hired after January 1<sup>st</sup> of the current school year will not be rated higher than an effective, or highly effective teacher for the purpose of layoff or recall regardless of their attendance or other factors that are listed in section 9 or 10 of this policy.

8. Seniority or the teacher's attainment of tenure under the Teachers' Tenure Act shall not be the primary or determining factors in layoff and recall decisions, except if the decision involves two or more teachers that all have the same effectiveness ratings, as described in section 9 and 10 of this Policy.
9. A teacher's effectiveness rating shall be determined according to their most recent performance evaluation. This means that those teachers will be ranked in the following order.
  1. **Ineffective (lowest rating, first to be laid off)**
  2. **Minimally Effective Teachers**
  3. **Effective teachers**
  4. **Highly Effective teachers (last to be laid off).**

This process will also be followed when building principals and/or department heads submit surplus recommendations to the Human Resources Department unless the Superintendent or designee determines that the educational interests of the District would not be furthered by that assignment. The Human Resources Director will review and finalize surplus recommendations.

10. In the event of a tie in the effectiveness rating of teachers subject to potential layoff and/or recall, the tie will be broken based on the following criteria in rank order beginning with A and then going down the list to F.
  - a. Those teachers with an ineffective rating will be ranked based on the current process that they are engaged in under the Plan III teacher evaluation process. This tie breaker only applies to teachers that are rated ineffective. This section does not apply to minimally effective, effective or highly effective teachers as a tie-breaker.
    1. Discipline Phase (first to be laid off).
    2. Assistance Phase (in this phase for 65 days or more).
    3. Assistance Phase (in this phase for 36-64 days).
    4. Assistance Phase (in this phase for 35 days or less).
  - b. If a teacher is suspended for a total of 5 or more days over a 2 year period they will be laid off prior to those that have less than 4 days of disciplinary suspension(if any).
  - c. Teachers on Step 6 or higher of the absence verification procedure will be laid off prior to those that are not.

- d. The teacher's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law. Professional absences will not be included in this calculation. The two most recent years will be calculated on attendance according to the school calendar for teachers (For the purpose of this ranking the 2 years of calculation will include the two proceeding schools year but will end on the same day that the Plan II teacher evaluation year-end documents are due in the Human Resources Department). Any teacher that has less than 16 days of absence over a 2 year period will receive the same rating under this category (the highest possible rating). For example a teacher with 5 absences over a two- year period will receive an equal rating to a teacher with 15 absences over a two-year period. A teacher with 16 or more absences will receive a lower rating. For example a teacher with 18 absences will have a higher rating than those with 20 absences. Teachers with higher levels of absenteeism will receive lower ratings on the layoff and recall list. It is the responsibility of each teacher to code their absence with the appropriate code. The district is not responsible for any absence coding errors. The individual employee must review this information in order to ensure accuracy. This information can be found on the AESOP and E-Voucher Databases.
- e. Attendance at District/Building Professional Development (PD) over a 1 year period. We will use full or half-day professional development days (that are agreed to via the collective bargaining agreement with the DFT for this calculation). The calculation will not include late starts, early arrivals, and staff meeting PD or PD that is scheduled by individual buildings or departments. The teacher's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law.
- f. The teacher's disciplinary record (if suspended for 4 days or less over a 2 year period) outcome. Those that receive suspension will be given a lower rating in this category versus those that receive a written reprimand or warning in their district personnel file.
- g. Seniority

\*Seniority and/or tenure status will not be a factor the District considers under this policy, except as a final tiebreaker. The layoff and/or recall of those covered by this policy are not subject to any grievance or arbitration procedure.

11. Anyone on a leave of absence for a year or less will be placed in the building or department in which they were in prior to the leave. Their placement and/or employment status will be determined by #9 and #10 of this policy. The most recent year(s) where data is available will be used. Anyone on a leave of absence for more than one year will be placed on the recall list according to the rankings in #9 and #10 of this policy (if data is available). However, they will not be rated higher than any employee rated highly effective or effective that is currently working and not on a leave of absence. Teachers that return from a leave of greater than one year (and if they had either a highly effective, effective, proficient or outstanding rating as their most recent) will be rated higher than teachers that have a minimally effective or ineffective rating or probationary teachers hired on or after January 1<sup>st</sup> of the current school year.

12. Any part-time teacher that loses their position due to a reduction in staffing has the right to accept a full-time position if a vacancy exists in their area of certification and in accordance with sections 9 and 10 of this policy.

(approved May 13, 2013- Legal Reference: MCL 38.71, *et seq*; MCL 380.11a (K-12); MCL 380.601a (ISD); MCL 380.1248; MCL 380.1532; MCL 423.215)



**POLICY 3131.10**

**REDUCTION AND RECALL OF ADMINISTRATORS**

*(Important Note: This policy only involves placement of Administrators involving layoff and recall. There is a separate policy that addresses placement issues that do not involve layoff and recall.)*

**REDUCTION IN STAFF-**

It is the responsibility of the Board of Education to provide the staff necessary for the implementation of the educational program of the District and the operation of the schools. In making program and staffing decisions, the Board of Education and Superintendent shall determine the size of the administrative staff in response to curricular, fiscal, and other operating conditions and retains the exclusive right to do so. To the extent that such determinations involve the requirements of Section 1248 of the Revised School Code, MCL 380.1248, this policy shall guide the implementation of that statute.

This Policy applies to employees covered by the collective bargaining agreement with the ADSA including those covered and/or not covered by the Teacher Tenure Act. The term "administrator" or "employee" when used herein shall refer to all personnel that hold an administrator certificate or equivalent based on state certification requirements. Decisions involving the reduction and recall of professional staff shall be guided by the following standards and procedures:

1. Decisions will be initially premised on retaining the most effective administrators who are certified (or otherwise approved or authorized) and qualified to supervise instruction within the established curriculum, grades, departments, and schools.
  - a. All administrators must be properly certified (or otherwise approved or authorized) for all aspects of their assignment. The certification (or authorization/approval status, as applicable) of an administrator shall be determined by the Revised School Code, the Administrator Certification Code, the Michigan Department of Education's Rules for Special Education Programs and Services, and other applicable statutes and regulatory authority.
  - b. All administrators must also be qualified for all aspects of their assignment. Administrator qualifications shall be determined by the Board through reference to the following standards:
    - i. Compliance with applicable state or federal regulatory standards, including, but not limited to, those standards established as a condition to receipt of foundation, grant, or categorical funding;
    - ii. Compliance with applicable accreditation requirements;

- iii. Assessment of the extent to which an administrator's professional training and academic preparation are relevant to an administrative assignment and are predictive of the administrator's effectiveness in that assignment;
  - iv. Assessment of the extent to which an administrator prior experience is relevant to an administrative assignment and is predictive of the administrator's effectiveness in that assignment; and
  - v. Possession or satisfaction of any qualification requirement(s) contained in a job posting, job description, or administrative regulation pertaining to the position in question which was promulgated in advance of the reduction or recall.
- c. An Administrator shall maintain current and valid certification (or approval or authorization, as applicable), and shall be responsible for filing a copy of his/her administrative and/or teaching certificate (or approval or authorization, as applicable) in the Human Resources Department in conformance with requirements of Section 1536 of the Revised School Code. If an administrator petitions for nullification of his/her administrative certificate or equivalent ability to work as an administrator he/she shall promptly provide written notice of that petition to the Superintendent or designee. An administrator shall supply current documentation to the District of all of the administrator's qualifications (as defined above).
2. The Superintendent or designee shall be responsible, acting within budgetary approval, for establishing the number and type of administrator assignments to implement the approved curriculum. The superintendent will determine where reductions are necessary. All administrator reductions and recalls are subject to formal action and approval by the Board of Education. The formula for both reduction and recall is listed in section 16 and 17 of this policy.

### **Reduction and Recall of Staff**

3. If in the Superintendent's opinion, it is ever necessary to reduce the administrative staff within a particular classification, the most effective people in the particular classification shall be retained. Classification in respect to the provisions of this section of the contract shall consist of the following: Elementary building administration; Middle School building administration; Senior High building administration; and Central Office administration.

4. The Superintendent will select for retention within a given classification those administrators with the highest effectiveness rating, district wide performance, and experience in alignment with section 16 and 17 of this policy, unless in his/her deliberative judgment, other considerations supersede. Such other considerations may include, but are not limited to: the quality of the administrative service experience; the length and quality of administrative service in the grade/classification/position; possession of valid certification or appropriate training; the requirements of the position(s) to be filled; evidence of professional growth, evidence of having increased student achievement and/or student growth.
5. If the retention of those with the greatest administrative success can be advanced, and the educational needs of the district can best be served, the considerations of the Superintendent shall not exclude movement between classifications.
6. Should it become necessary to reduce the number of administrators employed by the Board, the Superintendent of Schools will first inform the ADSA of the reasons for and the effect of such reductions.
7. Administrators who are on Board approved leaves of absence at the time staff reductions are to be determined will be considered on the same basis as administrators currently on duty if they have only been on a leave for one year or less. Any administrator that is on a leave of absence greater than one year will be ranked below all currently employed administrators that are rated effective or highly effective based on their most recent year end evaluation.
8. If the administrator(s) to be retained are of less administrative service than those to be released, the Superintendent will, on request, explain confidentially and privately to the ADSA and administrator(s) to be released the reason(s) for his/her decision.
9. Any administrator relieved of his/her duties because of reduction of staff shall be offered the next administrative opening for which he/she is certified and qualified if they were rated effective or highly effective on their most recent year end evaluation unless in the Superintendent's deliberative judgment, other considerations supersede. Administrators that are rated minimally effective or ineffective will have no recall rights to an administrative position. It is understood that in the event a position is abolished, the Superintendent shall offer the administrator the next vacant administrative position for which he/she is certified and qualified if they meet the above performance requirements. The Superintendent is obligated to offer only one administrative opening to an administrator who is on laid off status. A laid-off administrator's refusal to accept the first vacant administrative position offered, relieves the Superintendent of the obligation of offering that administrator additional administrative positions.

10. In the event of a recall of administrators, the Superintendent or designee shall first identify where positions are needed. The Superintendent or designee may reassign administrators to the additional position(s) in accordance with District policy regarding administrator placement. Recall of administrator(s) to assignments that remain unfilled shall be accomplished using the criteria listed in section 16 and 17 in order to recall administrators with the highest effectiveness rating who are certified and qualified for the open assignment.
  - a. The District shall provide written notice via email of recall to administrators and the administrator must accept recall in order to preserve the administrator employment rights. The administrator on the recall list must respond within 48 hours of being offered a position via written notice (email, fax, or in person).
  - b. A administrator who is recalled and fails to accept recall in a timely manner and fails to report for work by the deadline specified in the recall notice(email), shall be regarded as having forfeited all rights to recall and continued employment unless the Director of Human Resources in his/her discretion, has extended those time limitations, in writing.
11. Administrators that are rated Effective and Highly Effective will have recall rights of up to 2 years in their area of certification.
12. This Policy shall not operate or be applied to retain or recall an administrator who has received a rating of either minimally effective or ineffective on his/her most recent annual year-end performance evaluation in preference to any administrator who is rated either effective or highly effective on his/her most recent annual year-end performance evaluation.
13. An administrator that is hired after January 1<sup>st</sup> of the current school year will not be rated higher than an effective or highly effective administrator for the purpose of layoff or recall regardless of their attendance or other factors that are listed in section 16 or 17 of this policy (Unless in the Superintendent's deliberative judgment, other considerations supersede).
14. Seniority shall not be the primary or determining factors in layoff and recall decisions.
15. As referenced, the Superintendent shall use the rating system outlined in section 16 and 17 to make determinations on layoff and recall decisions unless the Superintendent or designee determines that the educational interests of the District would not be furthered by that assignment as outlined in section 4 of this policy. Thus the superintendent has the right to override the rating system in 16 and 17 if the best interest of the district supersedes the outcome of that ranking system.

16. An administrator's effectiveness rating shall be determined according to their most recent year-end performance evaluation. This means that those administrators will be ranked in the following order.

1. **Ineffective (lowest rating, first to be laid off)**
2. **Minimally Effective Administrators**
3. **Effective Administrators**
4. **Highly Effective administrators (last to be laid off).**

This process will also be followed when building principals and/or department head submit surplus recommendations to the Human Resources Department.

17. In the event of a tie in the effectiveness rating of administrator subject to potential layoff and/or recall, the tie will be broken based on the following criteria. There is no rank order to this criteria as it will be reviewed by the Superintendent in a holistic manner.

- A. If an administrator is suspended for a total of 5 or more days over a 2 year period they will be laid off prior to those that have less than 4 days of disciplinary suspension(if any).
- B. The administrator's documented performance relative to increasing student achievement and or student growth in correlation with state accountability standards, the Advanc-ED, School Improvement process and other measurement factors as outlined by the Administrator Evaluation Process and/or state regulations.
- C. The administrator's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law. Professional absences will not be included in this calculation. The two most recent years will be calculated on attendance according to the school calendar for administrators. Any administrator that has less than 16 days of absence over a 2 year period will receive the same rating under this category (the highest possible rating). For example an administrator with 5 absences over a two- year period will receive an equal rating to an administrator with 15 absences over a two-year period. An administrator with 16 or more absences over a two year period will receive a lower rating for this purpose of attendance calculation. For example an administrator with 18 absences will have a higher rating than those with 20 absences. Administrators with higher levels of absenteeism will receive lower ratings on the layoff and recall list. It is the responsibility of each administrator to code their absence with the appropriate code. The district is not responsible for any absence coding errors. The individual employee must review this information in order to ensure accuracy. This information can be found on the AESOP and E-Voucher Databases.

- D. Attendance at District/Building Professional Development (PD) over a 1 year period. We will use full or half-day professional development days (that are agreed to via the collective bargaining agreement with the ADSA for this calculation). The calculation will not include late starts, early arrivals, and staff meeting PD or PD that is scheduled by individual buildings or departments. The administrator's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law.
- E. The administrator's disciplinary record (if suspended for 4 days or less over a 2 year period) outcome. Those that receive suspension will be given a lower rating in this category versus those that receive a written reprimand or warning in their district personnel file.
- F. Seniority

\*Seniority and/or tenure status will not be a factor the District considers under this policy, except as a final tiebreaker. The layoff and/or recall of those covered by this policy are not subject to any grievance or arbitration procedure.

18. The District shall provide written notice of layoff to affected administrators. Letters of reassurance will be issued by 6/30 if possible.

19. It is the laid-off administrator's responsibility to maintain current contact information (address, phone and e-mail address) in the Human Resources Department.

Legal Reference: MCL 38.71, *et seq*; MCL 380.11a (K-12); MCL 380.601a (ISD); MCL 380.1248; MCL 380.1536; MCL 423.215

(Approved May 13, 2013)

## **POLICY**

### **3131 - REDUCTION IN STAFF**

It is the responsibility of the Board of Education to provide the staff necessary for the implementation of the educational program of the District and the operation of the schools and to do so efficiently and economically.

The Board reserves the right to reduce and/or abolish positions in the District.

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