

Regulation: Instructional Staff Reduction in Force

The following procedures shall be followed in effecting a reduction in the instructional staff work force pursuant to District policy GCQA.

1. Notice to Individual Teacher

Teachers whose contracts are recommended by the Superintendent to be canceled will be given notice in writing. (See GCQA-E1 for a sample notice) The notice will include a statement of the conditions requiring such cancellation, a general description of the procedures followed in making the decision and a copy of the accompanying policy and this regulation. Notice will be served upon the teacher personally or by certified or registered mail. The teacher's address as it appears on the District's record will be deemed to be the correct address. It will be the teacher's responsibility to see to it that the District has their current address on file.

2. Review of Individual Cancellations

Within ten (10) days of receiving a notice of termination, a teacher may request a review of the action by the Board of Education. The request must be in writing, addressed to the president of the Board. The request for review must specify the grounds on which the teacher relies and a short statement of facts that the teacher believes support the contention. When appropriate, more than one case may be heard at the same time.

Review may be had solely to determine the following:

- a. If there is a rational basis to determine that a fiscal exigency or program change was warranted;
- b. If the cancellation procedure was arbitrary or capricious; and
- c. If the decision to cancel the employment of the teacher was arbitrary or capricious

The Board will consider the request and will schedule a hearing to be held within 21 days after the request is received. The teacher will be given at least seven days notice of the hearing by certified or registered mail. The Board of Education may delegate the responsibility for conducting a hearing to a hearing officer selected by the Board.

3. Conduct of hearing

The hearing will be conducted informally and, upon request of either party, in private. The teacher may be represented by counsel. The District will have no obligation to pay for the service of counsel representing the teacher. A recording of the proceedings will be maintained and a transcript of the recording will be made available at the expense of the party who makes the request.

The hearing will begin with the teacher's presentation, limited to those grounds specified in the request for a hearing and supported by testimonial and documentary evidence. The Superintendent or counsel may then present testimonial and documentary proof in rebuttal of the teacher's contentions or in general support of the decision to cancel. The Board or hearing officer may establish other procedural rules as appropriate.

After the Superintendent or counsel completes the presentation, the Board will consider the matter in executive session or, where there is a hearing officer, the hearing officer may take the matter under advisement. Written findings of fact and conclusions as to the issues raised will be forwarded to the teacher and to the secretary of the Board within 30 days after the close of the hearing.

If the hearing was conducted by a hearing officer, the Board will be bound by the findings of fact of the hearing officer as long as there is support in the record for such findings. However, any conclusions drawn from those findings will not be binding upon the Board.

4. Procedure after hearing

The Board will act on the findings and conclusions at its next regular meeting following receipt of the findings and conclusions.

If the Board determines that the teacher's contention has not been established, it will notify the teacher and the Superintendent in writing. Such a determination confirms the decision to cancel.

If the Board determines that the teacher's contention has been established, it shall notify the teacher and the Superintendent by written notice that states that corrective action will be taken.

Adopted May 13, 2013.