

A reduction in force may occur when the Board of Directors (the Board), at its sole discretion, determines that it is in the best interest of the Idaho Arts Charter School (IACS or school) to reduce the number of contracted certificated employees for reasons including but not limited to a financial emergency, decrease in enrollment, changes in curriculum, reorganization, or consolidation. 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.

If the Board determines that it is necessary to reduce the number of certificated staff members, the Board will affect the reductions by implementing this policy after having attempted to reduce the staff to a desired number through attrition and/or reassignment of personnel in good standing with the school.

In implementing this reduction in force policy, the decision as to which employee or employees will be subject to such reduction will not be made solely on consideration of employee seniority or contract status. Eligible veterans or preference eligible individuals will be given preference for any existing position that is not eliminated, excluding key employee positions. Preference provides for additional consideration by IACS, but it does not guarantee the eligible veteran or preference eligible individual a job.

## **DEFINITIONS**

“Good standing” means that the employee is not currently subject to informal or formal plans of improvement, probation, or discipline or on unpaid involuntary administrative leave.

“Reduction in Force” means the temporary suspension or permanent termination of employment of an employee or group of employees for business reasons (e.g. certain positions are no longer necessary or due to financial constraints).

### **Veterans**

“Disabled Veteran” means those veterans separated under honorable conditions who:

1. Qualify as disabled veterans because they have served on active duty in the armed forces and have a current service-connected disability of ten percent (10%) or more, or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the department of veterans affairs; or
2. Are Purple Heart recipients.

“Eligible veteran” means veterans and disabled veterans as defined in this policy and Section 65-502, Idaho Code.

“Key employee” means an individual specifically hired for an “at will” position that is not a civil service position and where:

1. The position requires an advanced degree and the exercise of independent judgment for a majority of the public employee’s duties;
2. The primary duty of the position is the management of a department or subdivision of the public employer and the position requires the exercise of independent judgment for a majority of position duties;
3. The primary duty of the position is administrative work arising from the management of a department or subdivision of the public employer or administrative work arising from the exercise of the duties of an elected official and the public employee holds a confidential relationship to the appointing or employing officer or elected official; or
4. The primary duty of the position is to provide advice or consultation to an elected official and the public employee holds a confidential relationship to the elected official.

“Preference eligible” means an individual eligible for preference under Section 65-503, Idaho Code, or as follows:

1. Veterans and disabled veterans as defined in this policy and Section 65-502, Idaho Code;
2. A widow or widower of any veteran as long as he or she remains unmarried;
3. The wife or husband of a service-connected disabled veteran if the veteran cannot qualify for any public employment because of a service-connected disability.

“Service-connected disability” means the veteran is disabled due to injury or illness that was incurred in or aggravated by military service as certified by the federal veterans administration or an agency of the Department of Defense.

“Veteran” means any person who has been discharged or released from active duty in the armed forces under honorable conditions and has:

1. Served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952 and ending July 1, 1955;
2. Served on active duty as defined in 38 U.S.C. Section 101(21) at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976, not including service under 10 U.S.C. Section 12103(d) pursuant to an enlistment in the army national guard or the air national guard or as a reserve for service in the army reserve, naval reserve, air force reserve, marine corps reserve, or coast guard reserve;
3. Served on active duty as defined in 38 U.S.C. Section 101(21) in the armed forces during the period beginning on August 2, 1990 and ending on January 2, 1992; or

4. Served as may be further defined in 5 U.S.C. Section 2108.

## **RETENTION**

Retention will not be based solely on 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, 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 in the event of 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 no reemploy the individual.

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 single informal review for all impacted employees as set forth in Section 33-513, Idaho Code, and Policy No. 454, *Discharge of Certificated Employees*.

## **RANKING OF EMPLOYEES**

IACS will utilize the following process in determining who will be subject to a reduction in force:

1. The Administrator or designee will recommend to the Board the category(ies) and number(s) of certificated positions in each category to be reduced. The category(ies) of positions will be determined by grade level and/or subject matter certification and endorsement (e.g., K-8, special education, math, or music).
2. Upon approval by the Board, the Administrator or designee will assess the qualifications of all certificated employees holding a position in the affected category(ies).

3. In the event one (1) or more certificated employees in an affected category is not highly qualified for that assignment, he/she will be subject to the reduction in force.
4. In the event that all certificated employees in an affected category are highly qualified and/or IACS must reduce additional employees, the Administrator will develop a rubric for assessing the following factors: highly qualified status in multiple categories, multiple certifications, multiple endorsements, leadership roles at IACS, effectiveness in the classroom as demonstrated by superior or proficient ratings on evaluations, objective measures of student growth and parent/guardian input, master teacher status, graduate education degree or coursework, and applicable veteran status. The rubric will be communicated to all employees prior to being implemented. The individual with the lowest score on the rubric will be subject to the reduction in force.
5. In the event two (2) or more certificated employees tie for the lowest score on the rubric, the Administrator will consider whether such individuals have received a letter of reprimand or documented unsatisfactory performance during the current school year. The individual who received a letter of reprimand or documented unsatisfactory performance will be subject to the reduction in force.
6. In the event two (2) or more certificated employees receive a letter of reprimand or documented unsatisfactory performance during the current school year, the certificated employee to be subject to the reduction in force will be determined by drawing lots or other random method.

### **COMPETING FOR OPEN POSITIONS**

Any employee affected by the reduction in force will be allowed to compete with other similarly situated employees for any and all positions for which he or she is qualified. Employees not affected by this reduction in force policy may be reassigned. However, in the event an administrative position becomes available at IACS while the reduction in force policy is in effect, the Board is not obligated to follow the criteria as set forth above, but rather may select an individual it deems to be the most qualified individual for that position.



**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:** February 10, 2014

**AMENDED:** August 11, 2014, February 9, 2015