

PERSONNEL

REDUCTION AND RECALL OF TEACHERS

In making program and staffing decisions, the Board of Education shall retain the most effective teachers who are certified and qualified to instruct the courses within the established curriculum, academic levels and departments. The Board of Education 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 "teachers", which term refers to those employees of the district whose employment is regulated by the Teachers' Tenure Act, MCL 38.71 *et seq.* For purposes of this policy, the term "teacher" shall be defined co-extensively with Article I, Section 1 of the Teachers' Tenure Act, MCL 38.71.

General Provisions

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

1. Acting within budgetary approval, the superintendent shall be responsible for establishing the number and type of teaching assignments to implement the approved curriculum. If the superintendent determines that insufficient funds have been budgeted to support delivery of the curriculum through the existing complement of faculty, he/she shall recommend to the board the number of teaching positions to be reduced and the grades or departments within which the recommended reductions are to be effectuated.
2. Similarly, if after a reduction of teaching staff, the superintendent determines that the district's curriculum cannot be delivered through the existing complement of faculty and that sufficient funds are budgeted to support the augmentation of faculty through recall of teachers, he/she shall recommend to the board the number of teaching positions to be added and to identify the affected grades or departments.
3. 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 (MDE) 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, and based upon documentation on file with the superintendent's office.
- 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. This may include but is not limited to, consideration of the following factors:
 - The building and department, academic level and grade level;
 - Instructional subjects;
 - Recency of relevant and comparable teaching assignments; and
 - Previous effectiveness ratings.
 - 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.
 - vi. Formal or specialized training in the subject area(s) or grade levels(s).
 - vii. Completed college and continuing education courses and professional development in the instructional subject area(s).
- 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 superintendent's office 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's office. A teacher shall supply current documentation to the district of all of the teacher's qualifications (as defined above).
- d. Reduction and recall decisions shall be made on the basis of the certification and qualifications of a teacher, as reflected in the district's records, at the time that such decisions are made. It is the laid-off teacher's responsibility to maintain current

contact information (address, phone and e-mail address) in the superintendent's office. Failure to maintain current contact information may negatively impact the recall of an eligible teacher under this policy.

4. A teacher's length of service with this district 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 and all have the same effectiveness ratings, as described in Effectiveness Ratings Section in the regulations.
5. If the layoff or recall decision involves two or more teachers and each has the same year-end evaluation score used to determine the teacher's effectiveness rating under the performance evaluation system adopted by the Board to implement Section 1249 of the Revised School Code, a tenured teacher has priority over a probationary teacher and, among tenured teachers, the teacher's seniority (as established by the most recent seniority list for the bargaining unit to which the tenured teachers belong) will determine preference for reduction and recall.
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 "minimally effective" or "ineffective" in preference to any teacher with a higher effectiveness rating, as reflected in that teacher's most recent performance evaluation.

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 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.

7. All teacher reductions and recalls are subject to formal action and approval by the Board of Education.

Reduction In Staff - Process

1. If one or more teaching positions are to be reduced, the superintendent 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 upon the teacher's effectiveness score. Those teachers within the above group with the highest effectiveness scores will be retained and the teachers with the lowest effectiveness scores will be laid off.
 - a. The superintendent shall provide written notice of layoff to affected teachers.

2. When a teaching position has been identified for reduction and there exists a concurrently vacant teaching assignment 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 determines that the educational interests of the district would not be furthered by that assignment.
3. If more than one teacher whose position has been identified for reduction is certified and qualified for a concurrently vacant teaching assignment, the teacher with the highest effectiveness score based on the most recent year-end evaluation shall be afforded priority for the assignment unless the superintendent determines that the educational interest of the district would not be furthered by the assignment.
4. If a teacher returns from a leave of absence of one year or more, and a vacant position does not exist, the teacher may be laid off.

Recall Process

1. In the event of a recall of teachers, the superintendent shall first identify the grades or departments where additional position(s) will be created. The superintendent may reassign on-staff teachers to the additional position(s) in accordance with district policy 4115 Teacher Placement.
 - a. 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.
 - b. Post the vacancy and consider all applicants if the superintendent determines (i) that the district's educational interests would not be furthered by recalling the laid-off teacher with the highest effectiveness score on his/her most recent year-end evaluation; or (ii) that no teacher on layoff meets the certification and qualification requirements for the position as otherwise stated herein.
 - c. The superintendent shall provide written notice of recall to teachers and shall establish the time within which the teacher must accept recall in order to preserve the teacher's employment rights.
 - d. A teacher who is recalled and fails to accept recall by the time designated in the recall notice and report for work by the deadline specified in the recall notice, shall be regarded as having forfeited all rights to recall and continued employment unless the superintendent, in his/her discretion, has extended those time limitations, in writing.

Policy

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Amended: 01/23/17

Reviewed:

Legal Reference: Michigan Compiled Laws – MCL 38.71, *et seq*; 380.11a (K-12); 380.601a (ISD); 380.1248; 380.1532; 423.215

See Also: Board Policy: 4115 Teacher Placement

A. Reduction of Teachers

1. The Board of Education will determine if a reduction or recall in personnel is necessary.

Prior to official action on layoff or reduction of bargaining unit members is taken by the board, administration will notify the Okemos Education Association of the contemplated reduction or recall and offer the Association the opportunity to discuss the rationale. As soon as the names of the bargaining unit members to be laid off are known, a list of such names will be given to the Association.

2. Notification of layoff – Notification will be in writing and shall either be personally delivered and signed for by the employee or sent by registered or certified mail to the employee’s last known address, as shown on the records of the Human Resource Office. Administration will strive to deliver such notice by July 15th for layoffs effective with the next school year or December 1 for layoffs effective at 2nd semester.

If feasible, employees will be notified of layoffs prior to indicated dates, if specific knowledge of employment status exists.

B. Recall of Teachers:

1. The superintendent or designee shall give written notice of recall from layoff by sending a registered or certified letter to the employees last known address or by personal contact with the employee. It shall be the responsibility of the employee to notify the superintendent or designee of any change in address.
2. If an employee fails to report for work as indicated in the recall notice within ten (10) calendar days from the receipt of the recall notice or within fifteen (15) calendar days of the postmark of the notice, the employee shall be conclusively considered a voluntary quit and shall there by terminate his/her individual employment contract and any other employment relationship with the Board of Education. Exceptions to the notice or termination provisions may be granted in writing at the board's discretion.
3. Any employee who refuses recall when offered a position equivalent to that occupied prior to the effective date of layoff, shall forfeit all rights to future recall and his/her name shall be stricken from the recall list. Employee’s names will be retained on the recall list for a period not to exceed three (3) years. Thereafter, the employee shall lose all rights to recall.
 - a. If the employee is under contract with another public school in the state of Michigan at the time of recall, s/he shall retain his/her right to recall to a position for which s/he is certified and qualified for the balance of the school year.

4. No new teacher will be employed by the Board if there are employees who are on the recall list who the administration deems effective, certified and qualified to fill the vacancy or vacancies.

C. Definition of Qualifications:

1. At the K-12 level, the specialized areas of art, music, physical education, counseling and library science, will require certification and/or an endorsement in a specific area. If the State of Michigan recognizes either a major or minor for certification and/or an endorsement, the employee shall be deemed qualified.
 - a.) Reading consultants shall have a Master's Degree in Reading Instruction or its equivalent in Language Arts/English with a major emphasis, equal to 18 semester hours or 27 term hours in reading instruction.
 - b.) Music teachers shall be assigned based upon the area of specialization: vocal, band or orchestra
 - c.) Exploratory or "fit" classes at the fifth and sixth grade level may be an exception to the above. ("Fit" is defined as an academic intervention extension or enrichment.)
 - d. Teachers instructing students in swimming, water safety or the use of the District's pools shall hold a valid Life Guarding Certificate as issued by the Red Cross and shall meet such other requirements as may be established by the Department of Health. Bargaining unit members assigned to such programs shall also have received the appropriate training in first aid and CPR.
2. In grades 9-12, qualified shall be defined as possessing the requisite certification satisfying AdvancEd accreditation requirements and satisfying the requirements needed to be a highly qualified teacher under the MDE requirements. A bargaining unit member shall be assigned in his/her major or minor field of study, unless this would contravene the provisions of MDE requirements pertaining to highly qualified teachers.
3. For teachers who are certified for all subjects in grades 6, 7 and 8, qualified shall mean that the teacher is a highly qualified teacher under the MDE requirements.

A teacher shall be assigned in his/her major or minor field of study unless assigning the teacher to the minor field of study contravenes the provisions of the MDE requirements pertaining to highly qualified teachers. All other teachers must satisfy certification requirements.
4. In grades K-5 qualified shall be defined as possessing the requisite certification and satisfying the provisions of the MDE requirements pertaining to highly qualified teachers.

5. It is the employee's responsibility to maintain current transcripts, certification, authorization and/or endorsements with the Board.
6. Where statutes provide for the valid employment of non-certified teachers in certain teaching positions, the statutory reference authorizing employment will be honored.
7. A teacher must possess Montessori certification to be deemed qualified for the Montessori program.
 - a. If a current employee is engaged in Montessori training in an effort to obtain Montessori certification, he/she may be considered qualified for the Montessori program.
8. The MDE requirements provide different ways for a teacher to be considered a highly qualified teacher. The Administration and the Okemos Education Association will work together to inform bargaining unit members about their options.
9. Or such other qualifications that were developed and established in accordance with Reduction and Recall of teachers, Policy 4114, Paragraph 3. b. i – vii.

D. Effectiveness Rating

1. A teacher's effectiveness rating shall be determined according to the following standards:
 - a. Individual performance shall be the majority factor in determining a teacher's effectiveness rating. The teacher's individual performance shall be determined through the performance evaluation system used to implement the requirements of Section 1249 of the Revised School Code.
 - i. In arriving at the value of a teacher's effectiveness rating on the criterion of individual performance, the predominant factor shall be based on evidence of student growth. The percentage weight assigned to student growth within the performance evaluation shall comport with those percentages expressed in Section 1249 of the Revised School Code.
 - ii. The remainder of the teacher's effectiveness rating on the criterion of individual performance shall be based on the evaluation results of demonstrated pedagogical skills, including, but not limited to, determination of the following:
 - A. The teacher's knowledge of the subject matter pertinent to the area of his /her assignment;

- B. The teacher's ability to impart that knowledge to students as demonstrated through planning, delivery of rigorous content, checking for and building higher level understanding of the subject matter instructed, and differentiating instruction;
 - C. The teacher's ability to manage the classroom as well as the teacher's manner and efficacy of disciplining pupils;
 - D. The teacher's ability to maximize effective use of instructional time through consistent and proficient preparation;
 - E. The quality of the teacher's relationships with students, parents/guardians and other teachers;
 - F. The teacher's ability to perform essential job functions;
 - G. 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; and
 - H. The teacher's disciplinary record, if any.
- iii. In applying the above standards, a teacher's evaluation shall be his/her most recent year-end evaluation, except for teacher on an Individualized Development Plan. In that case, the evaluation used for application of the above standard shall be the district's most recent evaluation of the teacher at the time that a reduction or recall decision is made.
- b. An additional factor in determining teacher effectiveness shall be the extent to which the teacher has made clear, significant, and relevant accomplishments and contributions and has demonstrated a record of exceptional performance in that context. Those contributions and accomplishments must exceed the normal expectations for an individual in the teacher's professional peer group.
- c. The final factor in determining teacher effectiveness is the extent to which the teacher has engaged in relevant special training pertinent to the teacher's instructional assignment and the extent to which the teacher has integrated that training into instruction in a meaningful way.
- i. Qualifying training excludes any training or professional development under Sections 1526, 1526a or 1527 of the Revised School Code.
 - ii. Qualifying training or professional development excludes any training or professional development designated on the school calendar or otherwise designated on a regularly-scheduled teacher work day during teacher work hours.
 - iii. Qualifying training or professional development must satisfy all of the following standards:

- A. The training or professional development takes place outside of the teacher work day during the school year or outside the teacher work year.
 - B. The training or professional development has direct relevance to the teacher's assignment or to another area within the endorsements appearing on the teacher's Michigan teaching certificate (or authorization/approval, as applicable) and has received the prior approval of the superintendent (or designee).
 - C. The teacher is able to demonstrate that the training or professional development is integrated into the instruction delivered by the teacher in a meaningful way.
- iv. The superintendent shall develop and maintain a system for the recording and verification of qualifying professional development and training to be used in the teacher's effectiveness rating.
 - v. The superintendent shall designate the values associated with qualifying professional development and training that will be used in the teacher's effectiveness rating.