

TERMINATION OF EMPLOYMENT  
REDUCTION IN FORCE

DFF  
(LOCAL)

APPLICABILITY

This policy shall apply to reductions in force of contractual employees when the reduction in force requires the termination of:

1. A contract governed by Chapter 21 of the Education Code in the following circumstances:
  - a. A probationary contract during the contract period;
  - b. A term contract during the contract period; or
  - c. A term contract at the end of the contract period.
2. A contract not governed by Chapter 21 of the Education Code during the contract period.

EXCLUSIONS

This policy shall not apply to the termination of:

1. A continuing contract [see DFCA];
2. A probationary contract at the end of the contract period [see DFAA];
3. A contract not governed by Chapter 21 of the Education Code at the end of the contract period [see DCE]; or
4. At-will employment. [See DCD]

DEFINITIONS

Definitions used in this policy are as follows:

1. "Financial exigency" shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel including, but not limited to, a decline in the District's financial resources, a decline in enrollment, a cut in funding, a decline in tax revenues, or an unanticipated expense or capital need.
2. "Program change" shall mean any elimination, curtailment, or reorganization of a curriculum offering, program, school operation, or department. The term shall include, but not be limited to, a change in curriculum objectives, a modification or reorganization of staffing patterns on a particular campus or Districtwide, a redirection of financial resources to meet the educational needs of the students, a lack of student response to particular course offerings, legislative revisions to programs, a reorganization, or a consolidation of two or more individual schools, administrative districts, or departments.
3. "Reorganization" shall mean a change in positions due to:
  - a. A change in, or elimination or closure of, a department or school, or consolidation of a function within a department or school; or

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- b. A change in the role, responsibility, qualifications, or skill level of one or more employees within a department, school, or within a category of employees.
4. "Discharge" shall mean termination of a contract during the contract period.
5. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.

GENERAL GROUNDS

A reduction in force may take place when the Board determines that a financial exigency exists or the Board or Superintendent determines that a reorganization or program change is required. In each case, the determination may involve the discharge or nonrenewal of one or more employees. Such a determination constitutes sufficient cause for discharge or nonrenewal in accordance with appropriate policies and procedures. [See DF series, DCD, and DCE]

BOARD NOTICE

In the event the Superintendent makes a declaration of a reorganization or program change pursuant to this policy, the Superintendent shall advise the Board before making the declaration and shall further advise the Board at that time of the employment areas to be affected.

SCOPE OF  
REDUCTION

When a reduction in force is to be implemented, the Superintendent shall make recommendations to the Board for its approval regarding the employment areas to be affected. In determining affected employment areas, the Superintendent may combine or coordinate employment areas, as defined below (e.g., the Superintendent may combine "elementary programs" and "compensatory education programs" to identify an employment area of "elementary compensatory education program").

EMPLOYMENT AREAS

Employment areas shall include, but shall not be limited to:

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs.
3. Special programs, such as gifted and talented, career and technical education, bilingual/ESL programs, special education, compensatory education, and migrant education. Each special program is a separate employment area.
4. Counseling programs.
5. Library programs.
6. Nursing and other health services programs.

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7. An educational support program that does not provide direct instruction to students.
8. Other Districtwide programs.
9. An individual campus.
10. Any administrative position(s), unit, or department.
11. Other contractual position(s).

CRITERIA FOR  
DECISION

Using the following criteria, the Superintendent shall recommend to the Board employees within the affected employment area(s) for discharge or nonrenewal because of a reduction in force. These criteria are listed in order of importance; the Superintendent shall apply them sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force.

1. Job Code: The code that designates a specific title for a position.
2. Performance: Effectiveness as reflected by appraisal records and other written evaluative information.

If the Superintendent at his or her discretion decides that the documented performance differences between two or more reduction-in-force prospects are too insubstantial to rely upon, he or she may proceed to apply criterion 3 and, thereafter and to the extent needed, criterion 4.

3. Seniority: Length of continuous service in the District. An authorized leave shall not be considered an interruption of continuous service.
4. Professional Background: Professional education, certification, and/or work experience related to the current or projected assignment.

CONSIDERATION  
FOR AVAILABLE  
POSITIONS

Once the Superintendent has identified the appropriate employees in the affected area(s), those employees may, up until the date of a hearing requested in accordance with the provisions below, apply for other available positions for which they are qualified. An employee shall be responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedure to be considered for a particular vacancy. Assignments to new jobs shall be based on matching skill sets.

Up until the date of a hearing requested in accordance with this policy, an employee who applies for an open position must be offered the position if the employee meets the District's objective cri-

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|                    | teria for that position and is the most qualified internal applicant for the position.  |
| NOTICE AND HEARING | After considering the Superintendent's recommendation and if no vacancies exist for which the identified employees are qualified, the Board shall determine the employees to be proposed for discharge or nonrenewal, as appropriate. The Superintendent shall provide each employee written notice of the proposed action, including a statement of the reason(s) requiring such action and notice that the employee is entitled to a hearing. |
| NONRENEWAL         | An employee receiving a notice of proposed nonrenewal may request a hearing in accordance with DFBB.  |
| DISCHARGE          | An employee receiving notice of proposed discharge during the period of a contract governed by Chapter 21 of the Education Code may request a hearing before an independent hearing examiner in accordance with DFD.  |
| EFFECTIVE DATE     | This policy shall be effective as of the adoption date, April 26, 2010.   |