

DISTRICT POLICY
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.

To the extent that such determinations involve the adoption and implementation of a reform plan under Section 1280c of the Revised School Code (Priority Schools), MCL 380.1280c, and corresponding regulations and guidance, this policy and the District's reform plan shall control.

A. General Provisions

1. This policy applies to “teachers”, which term refers to those District employees whose employment is regulated by the Teachers’ Tenure Act, MCL 38.71, *et seq.*
2. The Superintendent shall be responsible, acting within budgetary approval and consistent with any applicable school redesign plan approved by the Michigan Department of Education, for establishing the number and type of teaching assignments to implement the approved curriculum. If the Superintendent determines that insufficient funds are budgeted for the existing complement of faculty or that a reduction in teaching staff is necessary due to programmatic or curricular considerations (including, but not limited to, implementation of a school redesign plan), he/she shall recommend to the Board the number of teaching positions and the academic levels or departments to be reduced.
3. Similarly, if after a reduction of teachers, the Superintendent determines that the District’s programs and curriculum cannot be delivered through the existing complement of faculty and that sufficient funds are budgeted to support an increase in the number of teachers, he/she shall recommend to the Board the number of teachers to be added and the affected academic level(s) or department(s). If a school is operating under a redesign plan which authorizes a reduction in existing staff, recall of teachers is contingent upon compliance with the redesign plan.
4. Decisions involving the reduction and recall of teachers shall be guided by the following:
 - a. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the established curriculum, academic level(s), and department(s).

- i. This Policy shall not require retention or recall of a probationary or tenured teacher whose most recent performance evaluation contains an overall rating of “ineffective” or “minimally effective” in preference to any probationary or tenured teacher rated either “effective” or “highly effective”, as reflected in that teacher’s most recent performance evaluation.
- ii. A probationary teacher who is rated as “effective” or “highly effective” on his/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. All teachers must be properly certified, approved, or authorized for all aspects of their assignments. The certification, authorization, or approval status of a teacher shall be:
 - i. Determined by applicable statutes and regulatory authority, including, but not limited to, the Revised School Code, the Teacher Certification Code, and the Michigan Department of Education’s Rules for Special Education Programs and Services; and
 - ii. Based upon documentation on file with the Superintendent’s office. A teacher shall maintain current and valid certification, approval or authorization, as applicable, and shall be responsible for filing a copy of his/her teaching certificate, approval, or authorization with the Superintendent’s office in compliance with Section 1532 of the Revised School Code, MCL 380.1532. If a teacher petitions for nullification of his/her teaching certificate or any endorsement, he/she shall promptly provide written notice of that petition to the Superintendent’s office.
- c. All teachers must be qualified for all aspects of their assignments, as determined by the Board based upon documentation on file with the Superintendent’s office and considering:
 - 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. A teacher’s professional training and academic preparation for an instructional assignment that are anticipated to contribute to the teacher’s effectiveness in that assignment;
 - iv. Formal or specialized training in the subject area(s) or grade level(s);
 - v. Completed college and continuing education courses and professional development in the instructional subject area(s);

- vi. A teacher's prior teaching experience that is relevant to an instructional assignment and that is anticipated to contribute to the teacher's effectiveness in that assignment. This may include, but is not limited to, consideration of the following factors:
 - (1) the building and department, academic level and grade level;
 - (2) instructional subjects;
 - (3) recency of relevant and comparable teaching assignments; and
 - (4) previous effectiveness ratings;
- d. All teachers shall supply to the District current information and documentation supporting the teacher's qualifications, as provided above. Reduction and recall decisions shall be based on the teacher's certification and qualifications, 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;
- e. All teacher reductions and recalls are subject to formal action and approval by the Board of Education;
- f. The Superintendent shall provide written notice of Board-approved layoff or recall decisions to each affected teacher; and
- g. 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 factor in layoff and recall decisions.
- h. 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.

B. Reduction in Staff Process:

All teacher layoff decisions shall be implemented by the following process:

- 1. If one or more teaching positions are to be reduced, the Superintendent shall first identify the academic level(s) or department(s) affected by the reduction. Among those teachers who are certified, approved, or authorized and qualified to instruct the remaining curriculum within the affected academic level(s) or department(s), selection of a teacher for layoff shall be based upon the year-end evaluation score used to determine each teacher's effectiveness rating under the performance

evaluation system adopted by the Board to implement Section 1249 of the Revised School Code.

2. Teachers within the affected academic level(s) or department(s), who are certified and qualified for the remaining positions and who have the highest effectiveness scores will be retained and the teachers within the affected academic level(s) or department(s) who have the lowest effectiveness scores will be laid-off.
3. 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 may be assigned to the vacant position unless the Superintendent determines that the educational interests of the District would not be furthered by that assignment.
4. 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 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 shall be afforded priority for the assignment unless the Superintendent determines that the educational interests of the District would not be furthered by that assignment.

C. Recall Process

1. A teacher is eligible for recall under this Policy for 2 years following the month in which the layoff becomes effective.
2. The Superintendent shall first identify the academic level(s) or department(s) where a teaching vacancy exists.
3. Before or in lieu of initiating the recall of a laid-off teacher, the Superintendent may reassign on-staff teachers to fill vacancies in accordance with District Teacher Placement Policy.
4. After or in lieu of any reassignment of existing teaching staff, the Superintendent may take the following actions to fill a vacancy:
 - a. Recall the laid-off teacher with the highest effectiveness score on his/her most recent year-end evaluation under the performance evaluation system adopted by the Board to implement Section 1249 of the Revised School Code and who is certified and qualified for the vacancy.
 - 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.

5. The District will provide written notice of the Board's recall decision to any recalled teachers and establish the time within which the teacher must accept recall, in writing, in order to preserve the teacher's employment rights.
6. A teacher who is recalled and fails to accept recall by the time designated in the recall notice or who does not report for work by the deadline specified in the recall notice after filing a written acceptance of recall with the Superintendent, shall forfeit all rights to recall and continued employment unless the Superintendent, in his/her sole discretion, has extended the time limitation, in writing.

Legal Reference: MCL 38.71, *et seq*; MCL 380.11a (K-12); MCL 380.601a (ISD); MCL 380.1248; MCL 380.1249; MCL 380.1280c; MCL 380.1532; MCL 423.215

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