

Culver School District 4J

Code: GCPA

Adopted: 01/06/04

Readopted: 04/18/06

Layoff – Licensed Staff

The Board shall determine when reductions in force are necessary and which programs and teachers shall be affected. When the Board determines a reduction in force is necessary, it will discuss the matter at a regular or special meeting of the Board and shall consider such factors and alternatives it deems necessary to arrive at a decision. Nothing in this policy, however, is intended to interfere with the right of the district to discharge, remove, or fail to renew the contract of a probationary teacher or to not extend the contract of or dismiss a contract teacher pursuant to the provisions of the Accountability for Schools for the 21st Century Law. No portion of this policy shall be in violation of the district's policies, Oregon Revised Statutes or Oregon Administrative Rules.

Reduction in force may take place under the following conditions:

1. Inability to provide funds to continue the district's education program;
2. Elimination or adjustment of classes due to an administrative decision; or
3. Other reasons as determined by the Board.

When the Board has identified the programs and/or classes to be eliminated or reduced, teachers affected shall be considered for retention based on the following:

1. Property certification to fill remaining positions;
2. Seniority;
3. Competence and merit, if the district desires to retain a teacher with less seniority than a teacher being released.

The district shall make every reasonable effort to transfer teachers of classes scheduled to be discontinued to other positions for which they are qualified.

The district shall, in consultation with the representatives of its teacher, establish a procedure for recalling teachers to employment in the district who have been released because of reduction in force. Teachers who have been released because of a reduction in force shall have the right of recall for 27 months, unless waived by failure to comply with such procedures as outlined by the district. An appeal from a decision on reduction in force or recall under this policy shall be arbitration under the rules of the Employment Relations Board or by a procedure mutually agreed upon by the district and the representatives of its teachers. If a procedure by mutual agreement is chosen, the results shall be final and binding upon all interested parties.

The Superintendent shall develop regulations necessary to implement this policy.

RECALL PROCEDURE

Criteria for recall shall be the same as those used for retention when reduction in force occurs. If within 27 months of the most recent date of release by the district, a vacancy occurs within the district for which the laid-off teacher is deemed qualified and properly certified by the district, the recall procedure outlined below shall be allowed:

1. At the time of lay-off, the laid-off teachers shall have the opportunity to express in writing a desire to return to the district. The teacher shall also leave with the district an address for recall notification. In the event of a recall, the district shall notify the teacher of the available position by certified mail, return receipt, sent to the last address given by the teacher to the district office.
2. The teacher will then have 14 calendar days from the mailing of such notice to notify the district of his/her intent to return to district employment by the date established within the district's notice. Failure of the teacher to respond within the 14 calendar days herein specified shall terminate such teacher's employment as voluntary resignations.

END OF RECALL RIGHTS

A teacher's recall rights shall end as of the date 27 months after the teacher's date of release by the district or upon the teacher's rejection of a position offered by the district, whichever comes first. The end of a teacher's recall rights will be deemed to constitute a voluntary resignation, in good standing, from district employment.

END OF POLICY

Legal Reference(s):

[ORS 342.934](#)