Cleveland City Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Annually, in February	**Staff Positions**	**5.116**	**11/11/02**
		Rescinds: **5.116**	Issued: **07/09/01**

CREATION OF POSITION

All staff positions shall be approved through the budget process in accordance with an organizational plan submitted by the Director of Schools.[1] Before an additional position is established, the Director of Schools will present to the Board a job description, qualifications, performance responsibilities and the method by which the performance of these responsibilities will be evaluated.

The Director of Schools may revise the organizational plan as long as budgetary amounts are not exceeded and board policy is not violated. In the event of reorganization, the Director of Schools will adhere to all applicable reduction in force guidelines and will inform, in a timely manner, each member of the board of the change and include the change in the director's report at the next board meeting. If change in personnel creates additional encumbrance on a future budget, prior approval of the Board is required.

REDUCTION IN FORCE

When it becomes necessary to reduce the number of positions in the system because of a decrease in enrollment or for other good reasons, the Board shall abolish the positions and dismiss such employees as may be necessary.[2]

Licensed Personnel

Reductions in staff will be made according to which have the least detrimental effect on children. In general, this objective dictates a staff reduction policy which:

1. Retains the most effective teachers;
2. Avoids undue increases in class size; and
3. Provides consideration for the exceptional teachers which will include consideration of their formal education without exclusive emphasis on seniority.

The elimination of a position does not necessarily mean the person occupying the position will be dismissed. When an employee is released, it is the responsibility of the director to make a recommendation to the Board about which employee shall be released and to justify the recommendation based upon a composite of the following criteria:

1. Effectiveness in teaching and in related professional responsibilities evidenced by teacher evaluation;
2. Adaptability to other assignments (academic and extracurricular);
3. Evidence of professional growth as well as specialized or advanced training;
4. Previous history of grade levels and subject areas taught; and
5. Type, length and quality of service made to the teaching profession and the school system.

When a teacher is released because of reduction in staff, the teacher shall be given written notice of release explaining the circumstances or conditions making dismissal necessary.

Non-Licensed Personnel

When a non-licensed employee is released because of a reduction in the number of support positions, the Director of Schools shall give the employee written notice of dismissal explaining the circumstances or conditions making termination of employment necessary. [3]

The contract of each non-licensed employee shall contain a statement regarding the reduction in force policy.

RECALL

The Director of Schools shall maintain a preferred re-employment list for tenured teachers whose position is abolished.[3] Tenured teachers who have been released because of abolition of positions shall be placed on a preferred list for reemployment in the first vacancy the teachers are qualified by training and experience to fill. The most senior teacher will have first consideration. The Director shall refer to this list to determine which teacher is employed. The fitness of any teacher for re-employment shall be determined on the basis of the teacher's competence, compatibility and suitability to properly discharge the duties required by the position with consideration for the best interests of the students in the school where the vacancy exists.[2]

It shall be the responsibility of the separated teacher to notify the Director of Schools in writing of his/her availability and current address. A professional employee who is placed on the preferred re-employment list and subsequently refuses the offer of a comparable position will be removed from the preferred list.[4]

Any teacher who has been on the preferred list for re-employment for two (2) consecutive years shall, by April 1 of the second consecutive year, receive notice that the teacher's name shall be removed from the list. The Director shall send the notice to the last known address of the teacher. A teacher who wishes to remain on the preferred list for re-employment after the second year shall notify the director of schools in writing by April 15 of the second year and each subsequent year of his or her desire to remain on the preferred list for re-employment.[4]

Employees returning from lay-off shall have all previously accrued sick leave and seniority reinstated, but shall not receive benefits for the period of the layoff.

Legal References:

1. OP Tenn. Atty. Gen. 93-66 (November 29, 1993)
2. TCA 49-5-409(d);TCA 49-2-301 (b)(1) (EE)
3. TCA 49-5-511(b)(1)
4. TCA 49-5-511(b)(4)