

417 - REDUCTION IN CERTIFICATED STAFF

Background

The Division recognizes that it may become necessary to reduce certificated staff providing services to students within its jurisdiction.

Without in any way limiting the factors that may singularly or in combination give rise to the need to reduce certificated staff, the following factors may be some of those, either individually or in combination, that result in the need to reduce certificated staff, namely:

1. Student enrollments both current and projected;
2. Government and/or local financial support for education current and projected;
3. Student education needs current and projected;
4. New or revised curricula current and projected;
5. Changes in the function of existing physical facilities current and projected; and
6. Other circumstances current and projected.

Procedures

In the event of a need to reduce certificated staff these procedures are designed to provide an orderly mechanism for reduction in certificated staff. In any circumstance not specifically dealt with by these procedures, the discretion of the school Principal and Superintendent or designate shall govern.

1. Certificated staff reduction will be considered to arise and will be dealt with on a school by school basis.
2. The Division, as part of its site-based management mandate given to Principals, requires Principals to be responsible for staffing levels in their schools. Principals shall therefore in the event certificated staff reduction is considered necessary identify to the Superintendent, or designate, both the number of and identity of certificated staff that the Principal recommends as surplus to the needs of the school.
3. In addition to identifying the number and identity of certificated staff deemed surplus, the Principal shall identify to the Superintendent or designate the factor or factors that in the opinion of the Principal have given rise to the need to reduce certificated staff.
4. In determining the need for, the number of and identity of certificated staff considered to be surplus to the needs of the school, the Principal will have regard to the following:
 - 4.1 Expiry of time certain contracts/assignments;

- 4.2 Voluntary resignation;
 - 4.3 Voluntary retirement;
 - 4.4 Voluntary leave of absence;
 - 4.5 Voluntary changes in employment status (i.e. full time to part time); and
 - 4.6 Voluntary transfer of certificated staff between schools
5. The Superintendent or designate shall discuss with the Principal the Principal's conclusion that certificated staff reduction is warranted, the factors considered by the Principal as giving rise to the need for certificated staff reduction, the determination of the number of certificated staff to be reduced, the consideration given by the Principal to the matters referred to in paragraph four above and the identity of persons identified as being surplus to the needs of the school.
 6. In applying these procedures the Principal and the Superintendent or designate may in his or her discretion determine that a teacher assigned to one or more CTS areas (Home Economics and Industrial Arts), French, or Special Education programs may be considered exempt from the application of these procedures. The needs of each school with regards to specialized teaching assignments will be carefully considered.
 7. If the Superintendent or designate is of the opinion that the Principal's conclusion that certificated staff reduction is warranted and that the number of and identity of persons declared surplus to the needs of the school are likewise warranted, the Superintendent shall explore with these individuals other possibilities for assignment, including transfer. If no other options exist for certificated staff who are determined surplus, the Superintendent will recommend to the Board that the contract of such individuals be terminated in accordance with the provisions of the School Act.
 8. The letters to the teacher advising of the recommendations to the Board, the Superintendent shall provide the following information;
 - 8.1 The recommendation to terminate the contract of employment;
 - 8.2 The reasons for the recommendation;
 - 8.3 The date, time, and location of the Board meeting at which the Board will consider the recommendation;
 - 8.4 The teacher's right to attend the meeting and make representation to the Board; and
 - 8.5 The teacher's right to seek legal counsel.
 9. Notice of termination, if that is the Board's decision, shall be given in accordance with the School Act.

Reference: Section 60, 104, 107, School Act