

# Weakley County Board of Education



Monitoring:

Descriptor Term:

**Staff Positions**

Descriptor Code:

5.116

Issued Date:

6/7/2018

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

## **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.<sup>1</sup> 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.<sup>2</sup>

## **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 teacher 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);

Legal References:

<sup>1</sup> OP Tenn. Atty. Gen. 93-66 (November 29, 1993)

<sup>2</sup> TCA 49-5-511(b)(1)

5.116 Staff Positions

- 1 3. Evidence of professional growth as well as specialized or advanced training;
- 2 4. Previous history of grade levels and subject areas taught; and
- 3 5. Type, length and quality of service made to the teaching profession and the school system.

4  
5 When a teacher is released because of reduction in staff, the teacher shall be given written notice  
6 of release explaining the circumstances or conditions making dismissal necessary.

7  
8 **Non-Licensed Personnel**

9  
10 When a non-licensed employee is released because of a reduction in the number of support  
11 positions, the director of schools shall give the employee written notice of dismissal explaining  
12 the circumstances or conditions making termination of employment necessary.<sup>3</sup>

13  
14 The contract of each non-licensed employee shall contain a statement regarding the reduction in  
15 force policy.

16  
17 **RECALL**

18  
19 A teacher rated in the three (3) highest categories based on evaluations<sup>4</sup> who has been dismissed  
20 because of abolition of a position shall be placed on a list for reemployment. The director of  
21 schools shall determine the filling of such vacancy on the basis of the his/her evaluation of the  
22 teacher's competence, compatibility, and suitability to properly discharge the duties required for  
23 the vacant position considered in the light of the best interest of the students in the school where  
24 the vacancy exists. A principal may refuse to accept the placement or transfer of a teacher by the  
25 director of schools to the principal's school. The teacher's most recent evaluations shall be a  
26 factor in such determination.<sup>5</sup>

27  
28 It shall be the responsibility of the separated teacher to notify the director of schools in writing of  
29 his/ her availability and current address.

30  
31 The right to remain on the preferred list for employment shall remain in effect until:<sup>6</sup>

- 32
- 33 A) The teacher accepts a bona fide offer of reemployment for a comparable position within  
34 the LEA; or
  - 35 B) The teacher rejects four (4) bona fide offers of reemployment for comparable positions  
36 within the LEA.

37  
38 Any teacher who has been on the preferred list for re-employment for two (2) consecutive years  
39 shall, by April 1 of the second consecutive year, receive notice that the teacher's name shall be  
40 removed from the list. The director shall send the notice to the last known address of the teacher.

---

Legal References:

<sup>3</sup> TCA 49-5-511(b)(2)

<sup>4</sup> TCA 49-1-302

<sup>5</sup> TCA 49-5-511(b)(3)

<sup>6</sup> TCA 49-5-511(b)(4)(A-B)

## 5.116 Staff Positions

- 1 A teacher who wishes to remain on the preferred list for re-employment after the second year
- 2 shall notify the director of schools in writing by April 15 of the second year and each subsequent
- 3 year of his or her desire to remain on the preferred list for re-employment.
- 4
- 5 Employees returning from lay-off shall have all previously accrued sick leaves and seniority
- 6 reinstated, but shall not receive benefits for the period of the layoff.