

POLICY 3131.10

REDUCTION AND RECALL OF ADMINISTRATORS

(Important Note: This policy only involves placement of Administrators involving layoff and recall. There is a separate policy that addresses placement issues that do not involve layoff and recall.)

REDUCTION IN STAFF-

It is the responsibility of the Board of Education to provide the staff necessary for the implementation of the educational program of the District and the operation of the schools. In making program and staffing decisions, the Board of Education and Superintendent shall determine the size of the administrative 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.

This Policy applies to employees covered by the collective bargaining agreement with the ADSA including those covered and/or not covered by the Teacher Tenure Act. The term "administrator" or "employee" when used herein shall refer to all personnel that hold an administrator certificate or equivalent based on state certification requirements. Decisions involving the reduction and recall of professional staff shall be guided by the following standards and procedures:

1. Decisions will be initially premised on retaining the most effective administrators who are certified (or otherwise approved or authorized) and qualified to supervise instruction within the established curriculum, grades, departments, and schools.
 - a. All administrators must be properly certified (or otherwise approved or authorized) for all aspects of their assignment. The certification (or authorization/approval status, as applicable) of an administrator shall be determined by the Revised School Code, the Administrator Certification Code, the Michigan Department of Education's Rules for Special Education Programs and Services, and other applicable statutes and regulatory authority.
 - b. All administrators must also be qualified for all aspects of their assignment. Administrator qualifications shall be determined by the Board through reference to the following standards:
 - 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. Assessment of the extent to which an administrator's professional training and academic preparation are relevant to an administrative assignment and are predictive of the administrator's effectiveness in that assignment;
 - iv. Assessment of the extent to which an administrator prior experience is relevant to an administrative assignment and is predictive of the administrator's effectiveness in that assignment; and
 - v. Possession or satisfaction of any qualification requirement(s) contained in a job posting, job description, or administrative regulation pertaining to the position in question which was promulgated in advance of the reduction or recall.
- c. An Administrator shall maintain current and valid certification (or approval or authorization, as applicable), and shall be responsible for filing a copy of his/her administrative and/or teaching certificate (or approval or authorization, as applicable) in the Human Resources Department in conformance with requirements of Section 1536 of the Revised School Code. If an administrator petitions for nullification of his/her administrative certificate or equivalent ability to work as an administrator he/she shall promptly provide written notice of that petition to the Superintendent or designee. An administrator shall supply current documentation to the District of all of the administrator's qualifications (as defined above).
2. The Superintendent or designee shall be responsible, acting within budgetary approval, for establishing the number and type of administrator assignments to implement the approved curriculum. The superintendent will determine where reductions are necessary. All administrator reductions and recalls are subject to formal action and approval by the Board of Education. The formula for both reduction and recall is listed in section 16 and 17 of this policy.

Reduction and Recall of Staff

3. If in the Superintendent's opinion, it is ever necessary to reduce the administrative staff within a particular classification, the most effective people in the particular classification shall be retained. Classification in respect to the provisions of this section of the contract shall consist of the following: Elementary building administration; Middle School building administration; Senior High building administration; and Central Office administration.

4. The Superintendent will select for retention within a given classification those administrators with the highest effectiveness rating, district wide performance, and experience in alignment with section 16 and 17 of this policy, unless in his/her deliberative judgment, other considerations supersede. Such other considerations may include, but are not limited to: the quality of the administrative service experience; the length and quality of administrative service in the grade/classification/position; possession of valid certification or appropriate training; the requirements of the position(s) to be filled; evidence of professional growth, evidence of having increased student achievement and/or student growth.
5. If the retention of those with the greatest administrative success can be advanced, and the educational needs of the district can best be served, the considerations of the Superintendent shall not exclude movement between classifications.
6. Should it become necessary to reduce the number of administrators employed by the Board, the Superintendent of Schools will first inform the ADSA of the reasons for and the effect of such reductions.
7. Administrators who are on Board approved leaves of absence at the time staff reductions are to be determined will be considered on the same basis as administrators currently on duty if they have only been on a leave for one year or less. Any administrator that is on a leave of absence greater than one year will be ranked below all currently employed administrators that are rated effective or highly effective based on their most recent year end evaluation.
8. If the administrator(s) to be retained are of less administrative service than those to be released, the Superintendent will, on request, explain confidentially and privately to the ADSA and administrator(s) to be released the reason(s) for his/her decision.
9. Any administrator relieved of his/her duties because of reduction of staff shall be offered the next administrative opening for which he/she is certified and qualified if they were rated effective or highly effective on their most recent year end evaluation unless in the Superintendent's deliberative judgment, other considerations supersede. Administrators that are rated minimally effective or ineffective will have no recall rights to an administrative position. It is understood that in the event a position is abolished, the Superintendent shall offer the administrator the next vacant administrative position for which he/she is certified and qualified if they meet the above performance requirements. The Superintendent is obligated to offer only one administrative opening to an administrator who is on laid off status. A laid-off administrator's refusal to accept the first vacant administrative position offered, relieves the Superintendent of the obligation of offering that administrator additional administrative positions.

10. In the event of a recall of administrators, the Superintendent or designee shall first identify where positions are needed. The Superintendent or designee may reassign administrators to the additional position(s) in accordance with District policy regarding administrator placement. Recall of administrator(s) to assignments that remain unfilled shall be accomplished using the criteria listed in section 16 and 17 in order to recall administrators with the highest effectiveness rating who are certified and qualified for the open assignment.
 - a. The District shall provide written notice via email of recall to administrators and the administrator must accept recall in order to preserve the administrator employment rights. The administrator on the recall list must respond within 48 hours of being offered a position via written notice (email, fax, or in person).
 - b. A administrator who is recalled and fails to accept recall in a timely manner and fails to report for work by the deadline specified in the recall notice(email), shall be regarded as having forfeited all rights to recall and continued employment unless the Director of Human Resources in his/her discretion, has extended those time limitations, in writing.
11. Administrators that are rated Effective and Highly Effective will have recall rights of up to 2 years in their area of certification.
12. This Policy shall not operate or be applied to retain or recall an administrator who has received a rating of either minimally effective or ineffective on his/her most recent annual year-end performance evaluation in preference to any administrator who is rated either effective or highly effective on his/her most recent annual year-end performance evaluation.
13. An administrator that is hired after January 1st of the current school year will not be rated higher than an effective or highly effective administrator for the purpose of layoff or recall regardless of their attendance or other factors that are listed in section 16 or 17 of this policy (Unless in the Superintendent's deliberative judgment, other considerations supersede).
14. Seniority shall not be the primary or determining factors in layoff and recall decisions.
15. As referenced, the Superintendent shall use the rating system outlined in section 16 and 17 to make determinations on layoff and recall decisions unless the Superintendent or designee determines that the educational interests of the District would not be furthered by that assignment as outlined in section 4 of this policy. Thus the superintendent has the right to override the rating system in 16 and 17 if the best interest of the district supersedes the outcome of that ranking system.

16. An administrator's effectiveness rating shall be determined according to their most recent year-end performance evaluation. This means that those administrators will be ranked in the following order.

- 1. Ineffective (lowest rating, first to be laid off)**
- 2. Minimally Effective Administrators**
- 3. Effective Administrators**
- 4. Highly Effective administrators (last to be laid off).**

This process will also be followed when building principals and/or department head submit surplus recommendations to the Human Resources Department.

17. In the event of a tie in the effectiveness rating of administrator subject to potential layoff and/or recall, the tie will be broken based on the following criteria. There is no rank order to this criteria as it will be reviewed by the Superintendent in a holistic manner.

- A. If an administrator is suspended for a total of 5 or more days over a 2 year period they will be laid off prior to those that have less than 4 days of disciplinary suspension(if any).
- B. The administrator's documented performance relative to increasing student achievement and or student growth in correlation with state accountability standards, the Advanc-ED, School Improvement process and other measurement factors as outlined by the Administrator Evaluation Process and/or state regulations.
- C. The administrator's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law. Professional absences will not be included in this calculation. The two most recent years will be calculated on attendance according to the school calendar for administrators. Any administrator that has less than 16 days of absence over a 2 year period will receive the same rating under this category (the highest possible rating). For example an administrator with 5 absences over a two- year period will receive an equal rating to an administrator with 15 absences over a two-year period. An administrator with 16 or more absences over a two year period will receive a lower rating for this purpose of attendance calculation. For example an administrator with 18 absences will have a higher rating than those with 20 absences. Administrators with higher levels of absenteeism will receive lower ratings on the layoff and recall list. It is the responsibility of each administrator to code their absence with the appropriate code. The district is not responsible for any absence coding errors. The individual employee must review this information in order to ensure accuracy. This information can be found on the AESOP and E-Voucher Databases.

- D. Attendance at District/Building Professional Development (PD) over a 1 year period. We will use full or half-day professional development days (that are agreed to via the collective bargaining agreement with the ADSA for this calculation). The calculation will not include late starts, early arrivals, and staff meeting PD or PD that is scheduled by individual buildings or departments. The administrator's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law.
- E. The administrator's disciplinary record (if suspended for 4 days or less over a 2 year period) outcome. Those that receive suspension will be given a lower rating in this category versus those that receive a written reprimand or warning in their district personnel file.
- F. Seniority

*Seniority and/or tenure status will not be a factor the District considers under this policy, except as a final tiebreaker. The layoff and/or recall of those covered by this policy are not subject to any grievance or arbitration procedure.

18. The District shall provide written notice of layoff to affected administrators. Letters of reassurance will be issued by 6/30 if possible.

19. It is the laid-off administrator's responsibility to maintain current contact information (address, phone and e-mail address) in the Human Resources Department.

Legal Reference: MCL 38.71, *et seq*; MCL 380.11a (K-12); MCL 380.601a (ISD); MCL 380.1248; MCL 380.1536; MCL 423.215

(Approved May 13, 2013)