

YOUTH SERVICES POLICY

Title: Reduction in Force Procedures and Scoring Guide for Educators Next Annual Review Date: 01/24/2015	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.53
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References: La. R.S. 17:81.4; La. R.S. 17:3881-3905; La. Department of Education Bulletin 130; YS Policy No. A.2.46 "Employee Grievance Procedure"	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 01/24/2014

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish a procedure to be used in the event a layoff/reduction in force of education personnel occupying unclassified instructor positions becomes necessary.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Director of Education, General Counsel, Unit Heads, and all education personnel occupying unclassified instructor positions.

IV. DEFINITIONS:

Academic Preparation - Academic preparation is measured by majors and minors in subject areas, the attainment of master's, specialty and/or doctorate degrees, all areas of certification, as well as any additional units of college or university credit obtained.

Certified/Certificated Teachers - Teachers possessing Louisiana certification as "teacher" or "administrator" (principal).

Compass – A teacher evaluation system created by the Louisiana Department of Education for implementation beginning in the 2012-2013 school year. Guidelines for the teacher evaluation system can be found as set forth in Bulletin 130: Regulations for the Evaluation and Assessment of School Personnel.

Displacement - In some layoff plans and policies, provisions are made to allow employees affected by a layoff to displace or “bump” other employees in other areas of the agency. There is no displacement provided for in this policy.

Educator(s) - In this policy, the term “educator(s)” is used to include personnel in the unclassified “instructor” positions, including paraeducators, guidance counselors, teachers and principals.

General Notice - A notice sent to educators notifying them that a layoff will be occurring and which units (facilities, central office, regional office/offices) will be affected. The General Notice will be posted at the units being affected and will be sent to all educators advising them of the following:

- The unit at which the layoff will occur;
- The education category(s) (i.e. principals, teachers/instructors, para educators, etc.) affected by the RIF;
- The proposed effective date of the RIF; and
- Any other information that might be helpful.

Individual Notice of Reduction - A notice sent to individual teachers who will be laid off. These notices will be sent out following the issuance of the General Notice.

Reduction in Force - RIF, Layoff.

Unclassified Education Personnel Categories - Unclassified personnel positions in the same general description, i.e., principals, teachers, guidance counselors, paraeducators.

Unit - Facilities and central office.

V. POLICY:

It is the Deputy Secretary’s policy that when conditions necessitate a layoff of all educators at a facility or reduction in the number of educators at a unit , a Reduction in Force (RIF) will be accomplished in accordance with the following procedures. All possible alternatives to the layoff of employees at that unit/facility will be considered prior to implementation of the RIF.

When a reduction in the number of educators at a facility is required, the primary consideration in making decisions regarding the RIF shall be the administration and maintenance of a quality, balanced educational program that will meet the needs of youth in YS’ custody. Therefore, in making decisions regarding the RIF of teaching personnel, those persons with superior prior performance as reflected

in Compass scores, and those that possess the certifications, qualifications and skills necessary to provide a balanced educational program and to operate the school system shall be the last employees laid off.

La. R.S. 17:3881 through 3905 requires that RIF policies adopted for use in the layoff of teachers and administrators be based solely upon demand, performance, and effectiveness, as determined by the performance evaluation program. Any RIF shall be instituted by laying off the least effective teacher within each targeted subject area or area of certification first, and then proceeding by effectiveness rating until the RIF has been accomplished.

VI. PROCEDURES:

A. General Layoff Procedures:

1. Youth Services determines that a reduction in force at a unit is necessary.
2. Educators at an impacted facility are provided written General Notice by one or more of the following:
 - a. Posting of the Notice in such places as the employee bulletin board, principal's office, and HR Liaison's office;
 - b. Placing the Notice in each educator's mailbox at the school;
or
 - c. Mailing the Notice using a certificate of mailing.
3. Educators on leave will be sent a copy of the General Notice by mail using a certificate of mailing.
4. Educators at a non-school unit will be sent a copy of the General Notice by mail using a certificate of mailing.
5. Educators affected by the RIF will receive an Individual Notice either by hand delivery or mailing of the Notice by regular mail with a certificate of mailing. The Individual Notice will follow the General Notice.

B. Reduction in Number of Educators:

1. When a reduction in the number of educators in an unclassified education personnel category or categories is necessary at a unit, the Deputy Secretary will consider layoffs among all such personnel.

The reduction of unclassified education personnel in any selected category shall be based on the following criteria, in the priority listed:

- a. Prior year's evaluation under the Compass teacher evaluation system (80%).
 - b. Academic preparation, if applicable, within the employee's field (20%).
2. The Deputy Secretary shall name a "RIF Board" composed of the Assistant Secretary or designee, the Director of Education and the General Counsel This board will meet and prepare the "Scoring Guide for Educators" by inputting the data following the evaluations of all teachers being considered for the RIF. The points obtained by each educator will be based on the objective criteria listed above in Section B, paragraph 1 a-b above. The RIF Board shall rank the educators according to their scores as recorded and calculated on the "Scoring Guide for Educators" form [see Attachment A.2.53 (a)] of this policy. The intent of this Scoring Guide is to reflect evaluation of performance and effectiveness, consistent with the requirements of La. R.S. 17:81.4.
 3. The employees being laid off will be those with the lowest scores on the "Scoring Guide for Educators" in the areas where OJJ has determined a RIF is warranted based on the primary goal of creating a quality, balanced educational program that will meet the current needs of youth in OJJ custody. Educator comparison and the selection of which positions will be eliminated under a RIF will not be based solely on final scores, but will be consistent with the Agency's priority of achieving a balanced system with educators having diverse content certifications. The decision as to how many educators will be retained in each content area will be consistent with the needs of the youth residing in the facility and the overall assessment of demand determined by the agency. The intent of this component of the RIF is to reflect evaluation of need and/or demand consistent with the requirements of La. R.S. 17:81.4.
 4. Individual notices of reduction reflecting the results of the ranking established by the RIF Board (Section VI.A.2 above) will be sent to the affected educators by regular mail with a certificate of mailing. These notices may also be provided to the affected educators by hand-delivery. These notices will be signed by the Deputy Secretary and sent following the General Notice.

C. Displacement (bumping):

Educators being considered for a RIF shall not displace educators in units not impacted by the RIF.

D. Deputy Secretary's Review:

1. Educators who get an individual notice that their position is being eliminated may make a written request to the Deputy Secretary to review such action or may pursue review of the RIF through the Agency's Employee Grievance Procedure (refer to YS Policy No. A.2.46). Any request for review must be received at the Deputy Secretary's office no later than ten (10) days after the date of receipt of the Individual Notice.
2. In the case of a reduction in the number of educators the Deputy Secretary will not disturb the action of the RIF Board unless the Board acted arbitrarily and capriciously.
3. The Deputy Secretary's written review decision shall be mailed to the educator within ten (10) days of the date the review request was received at the Deputy Secretary's office.
4. Review under this provision shall not delay or suspend the RIF plan.

E. Appeal/ Exhaustion of Administrative Remedies:

Failure of an affected educator to submit a request for review in a timely manner shall constitute a waiver of the educator's right to challenge the action. Review under this provision shall not delay or suspend the RIF plan.

F. Other:

1. Educators on approved leave at the time the General Notice of a RIF is issued will be considered in the RIF in the same manner as educators not on leave.
2. The procedures outlined in this policy are the only procedures that may be used in a RIF of educators. Similarly, no personnel action other than a RIF of educators may be considered under this policy.

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3. If any provision of this policy or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this policy, which can be given effect without the invalid provision or item of this policy and to this end the provisions and items of this policy are declared severable.

Previous Regulation/Policy Number: A.2.53

Previous Effective Date: 03/16/2009

Attachments/References:



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