

# YOUTH SERVICES POLICY

<b>Title:</b> Reduction in Force Procedures and Scoring Guide for Administrators, Teachers and Paraeducators <b>Next Annual Review Date:</b> 05/12/2018	<b>Type:</b> A. Administrative <b>Sub Type:</b> 2. Personnel <b>Number:</b> A.2.53
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<b>References:</b> 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"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Mary L. Livers, Deputy Secretary</i>	<b>Date of Approval:</b> 05/12/2016

**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 (administrators, teachers and paraeducators) becomes necessary.

**III. APPLICABILITY:**

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

**IV. DEFINITIONS:**

**Administrators** – For the purpose of this policy, the term administrator refers to the principal of the school in the unit.

**Compass** – A teacher evaluation system consistent with the provisions of La. R.S. 17:3881-3905, and 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.

**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.

**Paraeducator(s)** – All education personnel in the unclassified instructor positions, except teachers and administrators

**Teacher(s)** – All unclassified instructors in a teaching position, including vocational instructors, central office coordinator position, records personnel, and all other instructor/support personnel possessing a Louisiana teaching certificate/certification.

**Reduction in Force** - RIF, Layoff.

**RIF Board** – A Board, appointed by the Deputy Secretary, which consists of the Assistant Secretary/designee, the Director of Education and the General Counsel. The Board reviews effectiveness ratings under Compass and/or other designated evaluations for administrators and teachers, and evaluates/scores/tests, etc. for paraeducators being considered for the RIF.

**Unit** - Facilities and Central Office.

## **V. POLICY:**

It is the Deputy Secretary's policy that schools in YS secure care facilities maintain a fair and balanced educational program consistent with the functions and responsibilities of the agency, and that will meet the needs of youth in YS/OJJ custody.

When faced with circumstances which may necessitate a reduction in personnel greater than which can be accomplished through attrition and appropriate reassignment, a Reduction in Force (RIF) may be employed. All feasible alternatives to the layoff of employees at a particular unit will be considered prior to implementation of the RIF. The determination for the need to implement reduction of personnel procedures shall be made by the Deputy Secretary.

Except as otherwise provided herein, any existing procedure for reconsidering or examining an employee discharge, non-reappointment or grievance shall not be considered in implementing a reduction of personnel action. Similarly, no personnel action other than a reduction of personnel may be considered under this policy.

Employees on agency approved leave of absence shall be treated in the same manner as other regularly employed personnel insofar as application of this policy.

**VI. PROCEDURES:**

**A. General Layoff Procedures:**

1. Youth Services determines that a reduction in force at a unit is necessary.
2. Administrators, teachers or paraeducators at an impacted unit 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. Administrators, teachers or paraeducators on a leave of absence shall be sent a copy of the General Notice by mail using a certificate of mailing.
4. Administrators, teachers or paraeducators at a non-school unit shall be sent a copy of the General Notice by mail using a certificate of mailing.
5. Administrators, teachers or paraeducators affected by the RIF shall 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 Teachers and/or Administrators:**

1. When conditions necessitate a layoff of administrators or teachers, or reduction in the number of administrators or teachers at a unit, the RIF shall be accomplished in accordance with the following procedures.

The reduction of teachers and/or administrators in any selected category shall be solely based upon demand and/or need, performance and effectiveness, as determined by the Compass

performance evaluation program adopted by YS/OJJ in accordance with La. R. S. 17: 3881-3905 or other performance ratings or evaluations associated with certain positions.

Any reduction of teachers and administrators by the Deputy Secretary of YS shall be instituted by dismissing the least effective teacher within each targeted subject area or area of certification first, and then proceeding by effectiveness rating until the reduction of personnel has been accomplished.

If, after the above is complete, there are still more teachers than spots available during the RIF, the RIF Board shall conduct a procedure for teachers that may involve written and/or oral examinations/interviews, which will be administered and evaluated by the RIF Board.

2. The Deputy Secretary shall name a "RIF Board" composed of the Assistant Secretary/designee, the Director of Education and the General Counsel. The board shall meet and review the prior year's effectiveness rating under Compass for all administrators and teachers being considered for the RIF, and shall rank the educators according to their scores.
3. The administrators and/or teachers being laid off shall be those with the lowest effectiveness rating under the Compass scoring protocol consistent with YS primary goal of creating a quality, balanced educational program that will meet the current needs of youth in YS/OJJ custody.

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 unit, 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, signed by the Deputy Secretary and sent following the General Notice, reflecting the results of the ranking established by the RIF Board (Section VI.A.2 above) shall be sent to the affected administrators and teachers by mail using a certificate of mailing. These notices may also be provided to the affected educators by hand-delivery.

**C. Reduction in Number of Paraeducators:**

Unlike administrators or teachers, paraeducators are not scored under Compass guidelines; therefore, YS is unable to determine effectiveness using that criteria.

In the event a RIF becomes necessary regarding paraeducators at a unit, the following criteria and procedures shall be used:

1. Performance as determined by the paraeducator's most recent evaluation. In the evaluation, paraeducators are scored according to observations and are given a final rating of "unsatisfactory", "needs improvement" or "satisfactory".
  - a. Paraeducators whose most recent rating was "unsatisfactory" shall be separated first. If, after that step, additional paraeducators remain than are spots available, the following shall occur:
  - b. Paraeducators whose most recent rating was "needs improvement" shall be separated second. If, after that step, more paraeducators remain than are spots available, the following shall occur:
  - c. Paraeducators shall be scored on the criteria listed under 2 below.
2. If, after 1 above is complete, there are still more paraeducators than spots available after the RIF, the RIF Board shall conduct a procedure for paraeducators that shall involve an assessment of their academic credentials, length of service with the agency, and require the paraeducator to complete written and oral examinations, which will be administered by the RIF Board.

The RIF Board may include up to two (2) additional educational representatives from within or outside of the agency to assist in evaluating and scoring paraeducators on both examinations. Such scores shall be included in the calculations made at the conclusion of the procedure.

Following the above procedure, the RIF Board shall propose to layoff the lowest scoring paraeducator(s) necessary to fulfill the RIF.

The "SCORING GUIDE FOR PARAEDUCATORS" is attached to this policy [see Attachment A.2.53 (a)].

**D. Displacement (bumping):**

Administrators, teachers or paraeducators being considered for a RIF shall not displace educators in units not impacted by the RIF.

**E. Deputy Secretary's Review:**

1. Administrators, teachers or paraeducators 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) calendar days after the date of receipt of the Individual Notice.
2. In the case of a reduction in the number of administrators, teachers or paraeducators, 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) calendar 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.

**F. Appeal/ Exhaustion of Administrative Remedies:**

Failure of an affected administrator, teacher or paraeducator 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.

**G. Other:**

1. Administrators, teachers or paraeducators 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 administrators, teachers or paraeducators. Similarly, no personnel action other than a RIF of administrators, teachers or paraeducators may be considered under this policy.
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.