

Administrative Procedure 425

TEACHING STAFF REDUCTION

Background

A reduction in the number of teachers in the Division may be warranted if the ability of the Division to provide educational services would be negatively affected in the near future.

In the event reduction in numbers of teachers becomes necessary, the primary consideration shall be the maintenance of as great a level of service in delivery of the various programs offered by the Division to its students, as circumstances may reasonably permit.

Definitions

Voluntary Attrition for purposes of these procedures shall mean any of the following actions on the part of a teacher:

- Resignation.
- Retirement.
- Taking a leave of absence.
- Voluntary change in employment status (e.g. full time to part time).
- Voluntary transfer.

Procedures

1. The following factors may be considered in order to assess the Division's ability to provide an educational program:
 - 1.1 Student enrolment both current and projected.
 - 1.2 Population demographics in the Division.
 - 1.3 Government and/or local financial support for education.
 - 1.4 New and/or revised curricula.
 - 1.5 Student educational needs.
 - 1.6 Changes in the function of existing physical facilities.
2. The Superintendent has full authority to deal with teacher reductions in accordance with these procedures and shall bring recommendations to the Board.
3. These procedures shall apply to all teachers holding an employment contract with the Division except teachers holding temporary or probationary contracts.
4. The staffing needs of the Division will be determined on the basis of the proposed program needs of each school.

5. In recognition of the fiscal responsibilities conferred upon Principals under the school-based management model employed by the Division and mandated by Alberta Education, the Principal, in consultation with the Superintendent, will be responsible for determining the number of staff that the school can have within a balanced school budget.
6. When a reduction in teaching staff becomes necessary, the Principal shall determine which staff members have the appropriate academic qualifications, experience and ability to permit the maintenance of the highest level of program delivery within the school.
7. The Principal shall identify the surplus staff situation to the school teaching staff and solicit input as to possible solutions as the Principal may consider advisable.
8. The Principal shall identify those members of the school teaching staff that may be subject to release and will discuss with each staff person affected the determination that s/he is surplus to the needs of the school and the intention of the Principal to so advise the Superintendent.
9. In determining which staff are surplus to the needs of the school the Principal may consider such factors as the Principal may deem relevant but will at least consider the matters described in section 6. The Principal shall maintain a consistent set of criteria in each case where it becomes necessary to consider possible reduction of staff but the criteria need not remain static for longer than the current round of determining which staff may be surplus.
10. When identifying surplus staff to the Superintendent, the Principal shall identify the criteria used in reaching the decision to declare a staff member surplus and shall confirm that the same criteria have been applied to all staff at that school affected by this Administrative Procedure.
11. The Superintendent will, if satisfied that the criteria used by the Principal are appropriate and have been consistently applied, notify the affected staff member(s) that it has been determined that they are surplus to the needs of the school; and inform them of the rationale for the decision.
12. Once all surplus staff from all schools has been identified to the Superintendent, a list will be compiled by the Superintendent of those teachers at risk of being terminated as surplus if no other position is found for them in the system.
13. The list of surplus teachers will be circulated to all Principals who will notify the Superintendent of anyone on the list for whom a vacancy exists at his/her school as a result of voluntary attrition, or otherwise.
14. The teacher identified by a Principal as a suitable candidate to fill a vacancy at a school shall be offered the position if the Superintendent is of the opinion that the teacher is suited by experience, ability and training for the position.
15. If the teacher does not wish to accept any position offered in accordance with section 14 the teacher shall remain on the surplus list.
16. Any surplus teacher not placed by May 10 will be advised in writing of the intention of the Superintendent to recommend to the Board that the teacher's contract of employment be terminated and such notice will set out the reason(s) for such recommendation.

17. The Superintendent may determine that a teacher on the surplus list is a suitable candidate for a vacancy even though not identified as such by the Principal.
 - 17.1 In that case the Superintendent may offer the teacher the position and shall advise the Principal of having done so. If the teacher does not accept the position the teacher will remain on the surplus list.
18. Notwithstanding the foregoing, the Superintendent may determine that a particular teacher is required to provide specific teaching expertise in which case that teacher may be declared by the Superintendent to be exempt from the operation of these procedures from time to time.
19. Nothing in these procedures requires that a teacher whose contract may be terminated be assigned to any vacant position.
20. This Administrative Procedure may be implemented on a school-by-school or a Division-wide basis, as the Superintendent considers appropriate.
21. Recommendations to terminate a teacher's continuing contract of employment under these procedures may be appealed to the Board in accordance with Board Policy 14 – Hearings on Teacher Matters.

Reference: Section 33, 52, 53, 68, 196, 197, 204, 212, 213, 215, 217, 218, 219, 222, 225, 232 Education Act
Employment Standards Code
Labour Relations Code
Collective Agreement