



ADMINISTRATIVE PROCEDURE 412
REDUCTION OF PROFESSIONAL STAFF

Background

The Division recognizes that it may become necessary to reduce professional staff providing services to students within its jurisdiction. In the event that it becomes necessary to reduce professional staff this administrative procedure will provide an orderly mechanism for such a reduction.

Procedures

1. Decisions regarding the application of resources made available to a school are school-based decisions and are the responsibility of the Principal.
 - 1.1 The Principal, as part of the school-based management mandate given by the Division, shall determine the professional staff requirements for his/her school and shall identify surplus professional staff to the Deputy Superintendent – Leadership Services and Human Resources or designate.
 - 1.2 Some of the factors that may result in the need to reduce professional staff include:
 - 1.2.1 Student enrollments, both current and projected;
 - 1.2.2 Government and/or local financial support for education, current and projected;
 - 1.2.3 Student education needs, current and projected;
 - 1.2.4 New or revised curricula, current and projected;
 - 1.2.5 Changes in the function of existing physical facilities, current and projected; and
 - 1.2.6 Other circumstances, current and projected.
 - 1.3 Principals shall, to the extent considered advisable, consult with the professional staff of the school and the School Council regarding program needs and budgetary concerns.
 - 1.4 Prior to the Principal determining the need for staff reduction and the identification of professional staff considered to be surplus to the needs of the school, the Principal shall consider the following:

- 1.4.1 The expiration of time certain contracts and/or assignments;
 - 1.4.2 Voluntary resignation;
 - 1.4.3 Voluntary retirement;
 - 1.4.4 Voluntary leaves of absence;
 - 1.4.5 Voluntary changes in employment status (i.e. full time to part time); and
 - 1.4.6 Voluntary transfer of staff between schools.
 - 1.5 In determining the identity of professional staff surplus to the school, the Principal shall consider, in addition to other factors that the Principal considers relevant, the appropriateness of academic qualifications, experience, additional training undertaken within the previous five (5) years and seniority, all in relation to other staff of the school.
 - 1.6 In the event that a reduction in the number of professional staff is deemed to be necessary by the Principal, the Principal shall communicate to the Deputy Superintendent – Leadership Services and Human Resources or designate the identity of professional staff that the Principal determines are surplus to the needs of the school.
 - 1.7 In addition to determining the identity of professional staff deemed to be surplus, the Principal shall identify to the Deputy Superintendent – Leadership Services and Human Resources or designate the factor or factors that in the opinion of the Principal have given rise to the need to reduce professional staff and how those deemed to be surplus have been identified. The Principal shall share this same information with those professional staff directly affected by the Principal's determination.
 - 1.8 In applying this administrative procedure the Principal and the Deputy Superintendent – Leadership Services and Human Resources or designate may in his or her discretion determine that a teacher assigned to one or more CTS areas, French, Special Education or other programs requiring special training and qualifications may be considered exempt from the application of this administrative procedure. The needs of each school with regards to specialized teaching assignments will be carefully considered.
2. The Deputy Superintendent – Leadership Services and Human Resources or designate is responsible for recommending to the Superintendent those contracts of employment which are to be terminated.
 - 2.1 The Deputy Superintendent – Leadership Services and Human Resources or designate shall discuss with the Principal the Principal's conclusion that staff reduction is warranted, the factors considered by the Principal as giving rise to the need for staff reduction including those identified in the procedures of this administrative procedure, the determination of the number of professional staff to be reduced and the persons identified as being surplus to the needs of the school.

- 2.2 The Deputy Superintendent – Leadership Services and Human Resources or designate shall, on the basis of information provided by all Principals, construct a list of teachers requiring placement as a result of having been identified as being surplus to the particular school in which they are located and a list of vacancies, existing or anticipated.
 - 2.3 Teachers identified on the surplus list shall be informed of all positions on the vacancy list.
 - 2.4 If a teacher on the surplus list applies for a position on the vacancy list and the Principal of the school at which the vacancy exists and the Deputy Superintendent – Leadership Services and Human Resources or designate are of the view that the teacher is suited by experience and qualifications for the job, the teacher shall, upon the teacher's written request to the Deputy Superintendent – Leadership Services and Human Resources or designate, be transferred to the vacant position.
 - 2.5 If more than one teacher on the surplus list applies for a particular position on the vacancy list, seniority shall govern if experience and qualifications are considered relatively equal by both the Principal and the Deputy Superintendent – Leadership Services and Human Resources or designate.
 - 2.6 The procedure described in procedures 2.3, 2.4 and 2.5 shall be undertaken prior to any vacancies being advertised externally. There shall be as much time as the Deputy Superintendent – Leadership Services and Human Resources or designate considers reasonable allowed for the placement process to be carried out.
 - 2.7 Vacant positions for which no requests for transfer have been received by May 10th will be advertised externally. Teachers on the surplus list will nevertheless be able to apply for such positions but will not necessarily be afforded any preference.
 - 2.8 The Deputy Superintendent – Leadership Services and Human Resources or designate shall recommend to the Superintendent that the contract of individuals not placed pursuant to the application of procedures 2.3, 2.4, 2.5 and 2.6 by May 10th be terminated in accordance with the provisions of the School Act.
 - 2.9 The Deputy Superintendent – Leadership Services and Human Resources or designate shall inform the teacher, in writing, of:
 - 2.9.1 The recommendation to terminate the contract of employment;
 - 2.9.2 The process for the Superintendent's decision.
 - 2.10 Notice of termination, if that is the Superintendent's decision, shall be given in accordance with the School Act.
3. The Deputy Superintendent – Leadership Services and Human Resources or designate may delegate any function to be performed by the Deputy Superintendent – Leadership Services and Human Resources or designate under this administrative procedure.

4. Staff reduction will be considered to arise at the school level and will be dealt with on a school-by-school basis.
5. In any circumstances not specifically dealt with by this administrative procedure, the discretion of the Principal and the Deputy Superintendent – Leadership Services and Human Resources or designate, shall govern.

Reference: Section 60, 61, 104, 105, 107, 113 School Act
Employment Standards Code

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