

REDUCTION IN TEACHING STAFF WORK FORCE

Background

Declining enrolments or budgetary restrictions may give rise to occasions where some of the services provided cannot be afforded. As a result, it may become necessary to reduce teaching staff providing services to students within the Division.

In determining whether or not it is necessary to reduce teaching staff the following criteria shall apply, namely:

1. Student enrolments both current and projected;
2. Financial support for education;
3. Student educational needs;
4. New and/or revised curricula;
5. Changes in the function of existing physical facilities; and
6. Other factors considered relevant by the Division.

Procedures

1. The Superintendent or designate will be responsible for the application of this administrative procedure.
2. The Division, as part of its site-based management mandate given to Principals, requires Principals to be responsible for determining staffing levels in their schools. In the event staff reduction is deemed necessary, Principals shall identify to the Superintendent or designate, the number of staff deemed surplus.
3. The Superintendent or designate shall discuss with the Principal the proposed staff reduction. This discussion shall include:
 - 3.1 the programming factors considered by the Principal as giving rise to the need for staff reduction;
 - 3.2 the school budget basis for the determination of the number of teaching staff to be reduced; and
 - 3.3 the criteria considered by the Principal in determining which teachers are considered surplus to the needs of the school.
4. The following criteria are to be considered in the determination of which contracts of employment to identified for staff reduction:
 - 4.1 Academic qualifications and teaching experience and the application of such factors to the needs and programs of the school. Every effort will be made to ensure that appropriately qualified staff is retained to teach programs approved by the Division. In determining the appropriateness of academic and experience qualifications, the following factors will be considered:
 - 4.1.1 Academic qualifications -- the most recent information on file with the Division with respect to Teachers' Qualifications Service evaluation of years of training

for salary purposes and a listing of the degree(s) held; and major and minor areas of specialization in training program as related to the education/program needs of the school system.

4.1.2 Experience -- grade levels/subject areas teaching service was rendered.

4.1.3 Educational needs of the school -- The needs of the school with regard to "specialized teaching assignments" which term includes but is not limited the teaching of any of the following Second Language Programs, Special Education, Career and Technology, Fine Arts or a position involving responsibility for coordinating/supervising a specific program/subject area at more than one school.

4.2 Seniority - Where academic qualifications, teaching experience and the educational needs of the school are deemed equal, then seniority (i.e. continuous years of service without resignation) with the Division or its predecessors will be considered. From September 1, 1995, a year of service is a year of teaching experience as outlined in the Collective Agreement applicable to the school year in question and to teachers employed by the Division.

5. Any teacher deemed surplus will be notified. The teacher may be transferred to a position in another school that matches their education and experience.
6. The Superintendent will first endeavour to effect the necessary reduction of staff at the affected school through voluntary attrition by virtue of:
 - 6.1 expiry of time certain contracts/assignments;
 - 6.2 voluntary resignation;
 - 6.3 voluntary retirement;
 - 6.4 voluntary leave of absence;
 - 6.5 voluntary changes in employment status (e.g. full-time to part-time); or
 - 6.6 voluntary transfer of staff between schools.
7. If the necessary staff reduction cannot be achieved through voluntary attrition and the Superintendent determines that a staff reduction is required, the Superintendent may recommend to the Board that the contract of employment of a teacher be terminated in accordance with the provisions of the School Act.
8. The Superintendent shall inform the teacher, in writing, of:
 - 8.1 The recommendation to terminate the employment contract and the reasons;
 - 8.2 The date, time, and location of the Board meeting at which the Board will consider the recommendation;
 - 8.3 His/her right to attend the meeting and make representations to the Board; and
 - 8.4 His/her right to seek legal counsel.
9. Notice of termination, if that is the Board's decision, shall be given in accordance with the School Act.

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

Amended: April 2016