



**4170: REDUCTION IN FORCE - CERTIFICATED STAFF**

**This policy, in compliance with statutory requirements, covers all certificated employees of the District whose employment contracts are subject to statutes applicable to the tenure, employment rights and procedures for amendment and termination of contracts for certificated employees.**

**A reduction in force shall consist of a reduction of one or more positions or a reduction in the percentage of employment of one or more certificated staff members in the event that there is a surplus of staff in the departments or subjects in which the certificated staff member is qualified to teach., even if the number or percentage of employment of the certificated staff overall may be increased by other hirings or increases in the percentage of employment of other employees in departments or subjects that the certificated staff member is not qualified to teach by reasons of certification and endorsement. Reduction in force may result in termination of employment, an amendment to the employee's contract reducing the employee from full-time to part-time status or an amendment to the contract of a part-time employee further reducing that employee's percentage of employment.**

**The following procedures will apply to staff reduction:**

- 1. There will be no reduction of a permanent or tenured employee while a probationary employee is retained to render a service for which such permanent employee is qualified by reasons of certification and endorsement to perform or, in cases where certification is not applicable, by reason of college credits in the teaching area.**
- 2. Before any reduction in force occurs, the School Board and the Superintendent and the Superintendent's staff shall present competent evidence demonstrating that a change in circumstances has occurred necessitating a reduction in force. The alleged change in circumstances must be specifically related to the teacher or teachers to be reduced in force and based upon evidence produced at the hearing required by statute after which the Board shall specifically find that there are no other vacancies on the staff for which the employee or employees to be reduced are qualified by endorsement or by professional training to perform.**
- 3. Any termination of any employee because of reduction in force shall be a dismissal with honor and, upon request, employee shall be provided a letter to that effect.**
- 4. Any employee having been terminated or percentage of employment reduced because of reduction in force shall have preferred rights to re-employment for a period of twenty-four months commencing at the end of the contract year and the employee shall be recalled on the basis of length of service to the school district to any position for which he or she is qualified by endorsement or college preparation to teach.**
- 5. An employee, upon re-employment, shall retain all the benefits that accrued to such employee prior to termination provided, however, such leave of absence shall not be considered as a year of employment by the District. An employee under contract to another educational institution may waive recall. Such waiver**

shall not deprive the employee of his or her right to subsequent recall.

6. Any employee who is to be terminated or percentage of time of employment reduced under a reduction in force shall have the right to a hearing as provided by law prior to such termination being affected.

7. In the event that the provisions of this policy would place the District in noncompliance with any federal or state law or regulation requiring affirmative action employment practices, the District may vary from these provisions as necessary to comply with such law or regulation.

#### **Date of Adoption**

**December 4, 1978**

#### **Date of Revision**

**August 3, 1992**

**October 21, 2002**

**December 7, 2009**

**July 8, 2024**

#### **Reaffirmed**

**January 23, 2017**

#### **Related Policies and Rules**

**[4170.1: Reduction in Force - Certificated Staff](#)**

#### **Legal Reference**

**Neb. Rev. Stat. § 79846; § 79-847; § 79-848; § 79-849; § 79-831-835**

**Miller v. Sch. Dist. No. 18-0011, 278 Neb. 1018 (2009)**