

**BEDFORD PUBLIC SCHOOLS  
ADMINISTRATIVE REGULATIONS**

**CERTIFIED TEACHING STAFF REDUCTION AND RETENTION**

- (1) No teacher shall be laid off pursuant to a necessary reduction in personnel for any school year or portion thereof or recalled from a period of lay-off except under applicable state law.
- (2) When it is determined by the Board of Education that it is necessary to conduct a staffing and/or program reduction or any other personnel determination that results in the elimination of a position, said staffing decisions shall be based on retaining effective teachers.
  - (a) Teacher effectiveness shall be based upon the year-end performance evaluation as conducted pursuant to the Bedford Public Schools Administrative Regulation – Teacher Evaluation.
  - (b) Reductions in staff or programs shall be processed after reviewing staff reassignments, both voluntary and involuntary, as well as returns from leave.
  - (c) Whenever possible, notice of discontinuance of service shall be given to teachers affected by reductions in personnel and/or programs before the end of the school year preceding the year in which such discontinuance of service shall become effective.
  - (d) Nothing in this administrative regulation precludes the District from making reductions in personnel or programs at any time.
  - (e) Reductions in staff shall occur in the following order (“Lay-off Order”):
    1. Teachers rated Ineffective on their most recent Year-End Performance Evaluation.
    2. Teachers rated Minimally Effective on their most recent Year-End Performance Evaluation, provided there are qualified, certified teachers rated Effective or Highly Effective to assume the remaining positions/assignments.
    3. Teachers rated Effective on their most recent Year-End Performance Evaluation, provided there are qualified, certified teachers rated Highly Effective to assume the remaining positions/assignments.
    4. Teachers rated Highly Effective on their most recent Year-End Performance Evaluation, provided there are other qualified, certified

teachers rated Highly Effective to assume the remaining positions/assignments.

- (3) A probationary teacher who is rated as Effective or higher on his/her most recent annual year-end performance is not subject to being laid off by a teacher on continuing tenure solely because the other teacher has continuing tenure.
- (4) A teacher on lay-off is precluded from applying for any leave of absence except the following:
  - (a) a leave to honor the extension of an individual contract then in effect between the teacher and a K-12 Michigan Public School District,
  - (b) a child care leave of absence, not to exceed one (1) year, provided the teacher applies for the leave within three (3) months of the birth of the child or acquisition of custody of child.
- (5) In no event shall this administrative regulation be applied in such a manner that a teacher who has been rated as Ineffective on his/her most recent Year-End Performance Evaluation is retained over a teacher who is evaluated as Minimally Effective, Effective, or Highly Effective.
- (6) In order to assure that pupils are taught by teachers working within areas for which they are highly qualified as defined by the Michigan Department of Education, teachers shall not be assigned, except in accordance with the regulations of the No Child Left Behind Act (NCLB) and the Michigan Department of Education to subjects and/or grades or other classes within the scope of their teaching certificates and/or their major or minor fields of study, or otherwise as permitted by law.
- (7) Notwithstanding the requirements of Section (6) above, as a precondition of placement during a period of lay-off and/or recall, every teacher must possess the requisite certification and/or endorsement and qualifications as herein defined for the position for which she/he is assigned.
  - (a) If the teacher previously taught in the position in which she/he is being placed and if she/he has been evaluated in that position, the teacher must have received a Year-End Evaluation of Minimally Effective or higher.
  - (b) "Certified" shall be defined as a state recognized valid teacher certificate. A teacher will be considered certified for only those areas listed and university verified as of June 30<sup>th</sup> each school year.
  - (c) "Qualified" shall be defined as holding the required endorsement and/or satisfying the highly qualified criteria as published by the Michigan Department of Education as deemed necessary for a particular position.

**(d)** Notice of changes in certification(s), endorsement(s) or qualifications(s) shall be conducted as follows:

- 1.** By June 1st of each school year, teachers who intend to secure additional endorsement(s), certification(s) or additional qualification(s), shall notify the Human Resources and Labor Relations Department in writing and include the change sought, the university involved or training involved, and the expected completion date.
- 2.** By the last teacher workday of that school year, any teacher who has submitted a written intent as set forth in subsection (a) above, shall supply the Human Resources and Labor Relations Department with written proof from the teacher certification office of the university or training entity that all work has been completed by such date, and if required, that recommendation by the university will be made to the Michigan Department of Education and Certification Office to be Effective by the beginning of the subsequent school year.
  - a.** In the case of certification(s) and endorsement(s), no later than August 1<sup>st</sup> prior to the subsequent school year, the teacher must present to the Human Resources and Labor Relations Department an official certificate indicating any such change in certification or endorsement if relevant to a teacher's assignment for the upcoming school year.
  - b.** For purposes of recall, the change in certification, endorsement and qualification procedure and timeline must be adhered to strictly and specifically. Failure by a teacher to follow the above-listed procedure and timeline shall result in the delay of recall or reassignment, until the following year and the above-listed procedure has been met, except that should a vacancy or new position arise after the opening of school, then any valid certification, endorsement or qualification shall be recognized in the recall process.

**(8)** When it is determined by the Board of Education that it is necessary to conduct a recall from a staffing or program reduction or any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction or any other personnel determination resulting in the elimination of a position the following procedures shall be followed:

**(a)** Recall of all teachers shall be in the reverse order of lay-off: i.e., those laid off last will be recalled first, provided, however, that a teacher in order to be reassigned, shall be certified and qualified as herein set forth to teach the specific area for which she/he is being recalled.

**(b)** In order to be eligible for recall the teacher must:

1. Have maintained a current address and telephone number with the Human Resources and Labor Relations Department.
  2. Have notified the Human Resources and Labor Relations Department in writing or by electronic mail of any extended periods of time (longer than 14 days) when they will be away from their current address and how they may be reached or be contacted while away.
  3. Have notified the Human Resources and Labor Relations Department in writing or by electronic mail by March 15 of intent to return to active employment for the following year, except that for laid off employees and employees on long-term medical leaves, it shall be presumed the employee wishes recall. If an employee does not comply with the above provisions, their return rights may be terminated for that year. If the employee does not comply for two (2) years, all return rights may be terminated.
  4. Have notified the Human Resources and Labor Relations Department in writing or by electronic mail of any changes, lapses, or expirations, or anticipated changes in certification, endorsements, majors, minors, and/or licenses. Such notice must be given prior to March 15 if the information is to be used in determining recall or return rights for the following school year. The District may ignore such information for the following school year if it is not provided by March 15.
  5. Have the present necessary certification and qualifications as well as the present physical ability to assume the position/assignment at the time the recall offer is made. Teachers who do not possess the present physical ability to assume a vacant position/assignment shall continue to remain on lay-off subject to the conditions contained herein. Exceptions may be made, subject to the approval of the Superintendent or his/her designee, if the recalled teacher, at the time of recall is eligible for long-term disability benefits through the insurance policy in force in the District.
- (c) The District, as it reinstates programs, shall post the positions as they are established listing the necessary certifications and qualifications, pursuant to the current procedures in the Collective Bargaining Agreement between the District and the Bedford Education Association.
- (d) In no event shall this administrative regulation be applied in such a manner that a teacher who has been rated Ineffective or Minimally Effective on his/her most recent Year-End Performance Evaluation shall be recalled before a teacher who is rated as Effective or Highly Effective on his/her most recent Year-End Performance Evaluation, except as the District may be required to for “Highly Qualified” status or as otherwise required by law.

- (9) Notice of recall shall be sent by certified mail and pre-paid first-class mail to the employee's last known address on file with the Human Resources and Labor Relations Department. A copy of the recall notice shall be sent to the Association President.
- (10) Failure to accept an available position for which the employee is certified, state approved, licensed, and/or endorsed, or failure to notify the District of unavailability, may be considered a voluntary quit; and the Board may terminate its obligation to that employee. Notice of acceptance of assignment or notice of unavailability by the employee must be received by the District within ten (10) days of receipt of notice of recall or return.
- (11) Tenured teachers shall possess recall rights for up to 3 years from the date of lay-off.
- (12) Probationary teachers shall possess recall rights for up to 2 years from the date of lay-off.
- (13) Teachers on leaves of absence will be given notice of lay-off if they were scheduled to return to work but no position exists because of a lay-off. Such teachers shall be placed on the recall list and given notice of recall consistent with this administrative regulation.
- (14) A combined list of employees eligible for recall and return from long-term leave of absence shall be maintained by the Human Resources and Labor Relations Department. A copy of this list shall be provided to the Association President upon written request within 5 days.
- (15) For the 2013-2014 school year, in the event that a personnel decision conducted pursuant to this Regulation involves two or more teachers with equal Year-End Evaluation(s) from the ineffective, minimally effective, effective or highly effective categories and all other factors are equal, seniority, as defined in the current Master Agreement shall be used as the "tie-breaker." Following the 2013-2014 school-year and each year thereafter, the District reserves the right to amend the use of "tie-breaker(s)" when conducting personnel decisions.