

434 DECLARATION OF TEACHING STAFF SURPLUS TO NEEDS

Background

The Division recognizes its mandate to provide quality education services to students enrolled in various schools and programs operated by the Division within a fiscally responsible framework. The Division recognizes that a variety of factors may necessitate the reduction of professional staff in a particular school, in a geographic region, or in the Division as a whole.

School Procedures

When making organizational plans for a school year, the Principal, on receipt of the school's staff allocation and student projection, and after consultation with the administrative team and staff, will make decisions regarding:

1. The instruction to be offered to meet the needs of the school population.
2. The way in which the school will be organized to best provide programs.
3. The distribution of the teaching assignments among the teachers on continuing contract known to be remaining at the school.
4. As soon as staff reallocation or reduction appears imminent for the following year, the Principal must advise the teaching staff of that possibility.
5. If the total instructional needs for the projected school population are not sufficient to provide assignments to all the teachers, the Principal is responsible for identifying teacher(s) to be declared surplus to need.
6. The major consideration shall be to retain the staff deemed to best meet the educational needs of the students. The Principal shall also consider the following points in the following order:
 - a. The need to retain staff with the teaching expertise necessary for the maintenance of the total school program.
 - b. The availability of teaching positions in the school within the teacher's area of training and preference.
 - c. The past teaching assignments of the teacher.

- d. The length of continuous service with the Board, expressed in years and months.

The Principal is responsible to recommend to the Superintendent, teacher(s) subject to transfer from the school on the basis of surplus to need.

System Procedures

Teachers declared surplus to the needs of the school shall be considered for known vacancies in other schools. If, after filling all the known vacant positions, there is a surplus of certificated staff, procedures for layoff of staff will be implemented.

The Division favours attrition as the best way to reduce staff when necessary. The Division will take into consideration known resignations, retirements, and leaves of absence approved by the Superintendent, as well as the effect of approved redeployment programs before implementing procedures for layoff.

In making decisions as to which teachers are to be recommended for layoff, the major consideration shall be:

1. To retain staff deemed to best meet the educational needs of the students.
2. The availability of teaching positions in the system within the teacher's area of training and preference.
3. The past teaching assignments of the teacher.
4. The total length of continuous contract with the Board, expressed in years and months.
5. Voluntary attrition, for purposes of this Administrative Procedure, shall include any of the following actions on the part of a teacher:
 - a. Resignation;
 - b. Retirement;
 - c. Taking a leave of absence;
 - d. Voluntary change in employment status (e.g. full time to part time);
 - e. Voluntary transfer.

Layoff Procedures

Prior to May 31 or after September 15 of each year, the Superintendent will determine whether or not the number of teachers under continuing contract exceeds the anticipated or actual need for teachers as indicated by projected enrollment, course offerings, and other factors. Should the number of teachers under continuing contract exceed the anticipated or actual needs, the Division will initiate layoff procedures.

Teachers subject to layoff procedures are available for recall to duty in accordance with procedures in 3 below.

The general guidelines for layoff are as follows:

1. In identifying those teachers who will be subject to layoff, the Superintendent must consider the anticipated need by subject area, field of activity, and specific skills and aptitudes necessary to provide adequate instruction to the students.
2. Subject to this section, the Division will consider for layoff those teachers who are completing their second year of continuous service.
3. If the number of teachers identified for possible layoff with two years service with the Division is insufficient to meet the anticipated need for staff reduction, the Division will consider teachers with three years continuous service and then teachers with four years service and so on.
4. A teacher who is identified surplus to the needs of a school under the provisions of this administrative procedure must be placed in an appropriate assignment if they have more years service than the teacher(s) with similar qualifications and experience at other school locations. Simply being declared surplus to a school's needs is insufficient cause for layoff unless the teacher is also in the category of teachers being considered by system layoff.
5. Teachers given notice for layoff will be provided with no less than thirty days notice of termination of contract.
6. A teacher whose employment is subject to termination, will be advised in writing, with thirty days notice, by the Superintendent that the teacher's contract of employment will be terminated, and such notice shall set out the reason(s) for such recommendation. The letter to the teacher shall include:
 - a. The recommendation for termination;
 - b. The reasons for the termination including the reason(s) that staff reduction at the school is required and basis used to determine that the teacher was surplus to the needs of the school;
7. Any notice of termination shall be given in accordance with the Education Act.

8. Nothing in this Administrative Procedure requires that a teacher whose contract may be terminated be assigned to any vacant position if in the Superintendent's reasonable opinion such an assignment is not educationally sound.

References

Section 18, 20, 60, 61, 96, 104, 105, 107, 109, 109.1, 110, 113, 116, 117, 133 School Act
Employment Standards Code
Labour Relations Code
Collective Agreement

History

Developed: August 2003
Amended: April 2020