



PERFORMANCE-BASED REDUCTION IN FORCE

Model Policy
ExcelinEd, 2024

SECTION 1. PURPOSE

This Act ensures that students receive the highest quality education and that the most effective educators are retained by prioritizing locally determined educator performance metrics over seniority or tenure to make decisions regarding educators' ongoing employment when workforce reductions are required.

SECTION 2. DEFINITIONS

1. "Educator" is an individual hired at a K-12 public school in an administrative, teaching, or support position that requires a state license.
2. "Non-educator central office staff" is an individual hired to provide districtwide support and responsibilities that do not involve direct instruction of students and do not provide campus level student support services. Examples of non-educator central office staff include, but are not limited to superintendents, deputies, assistant superintendents, business office support, data processing, secretarial, and other clerical staff, or other persons with districtwide responsibilities.
3. "Educator performance" is a measurement of the quality of an educator. Educator performance shall be defined by the district or charter school board and shall include metrics such as, but not limited to:
 - a. Student academic performance;
 - b. Student growth measures;
 - c. Performance evaluations.
4. "Reduction in Force (RIF)" means the elimination of one or more licensed staff positions due to economic reasons such as one (1) or more of the following:
 - a. Decreased funding;
 - b. Decreased student enrollment, including overall, by program, by grade or by school; or
 - c. Closure or reorganization of schools.

SECTION 3. REDUCTION IN FORCE OF EDUCATORS

1. Each district school board (board) shall develop and adopt fair and transparent policies that shall be applied impartially in dismissing educators when a Reduction in Force (RIF) is instituted.
2. RIF policies shall be published and made available for educators and the general public on the district or charter school web site within ten days after final adoption.
3. Each board policy shall identify the educator performance metric(s) contributing to RIF decisions and, if more than one metric is used, the weight of each in determining the decision.
4. A board shall not adopt or implement a policy that allows seniority or tenure to be the sole or primary determining factor when implementing a RIF.
5. A board may consider educator performance to be the sole factor for implementing a RIF, as measured by the chosen metrics, as outlined above in subsection 3.
6. If the board policy identifies more than one factor for implementing a RIF, educator performance shall be the primary factor.
7. All RIF policies shall also include:
 - a. Requirement for school divisions to review and identify non-educator central office staff reductions before eliminating educator roles.
 - b. A timeline for notifying employees of their potential eligibility for RIF, final decision, and grievance procedure.
 - c. The right of an employee notified of an action that results from implementation of a RIF policy to request in writing a review of such action and to receive notice of the results of such review.



- d. The right of an employee to pursue the matter through the school board's adopted grievance procedure.

SECTION 4. EFFECTIVE DATE

This Act shall take effect upon becoming law.