

POLICY GCQA

Board of Education Las Cruces Public Schools

Related Entries: GCQA-R

Responsible Office: Associate Superintendent for Operations

Applicable To: Union Certified Employees Union Classified Employees Non-Union Employees
 All Employees

REDUCTION-IN-FORCE

I. PURPOSE

The lawful discharge of licensed school personnel during the term of their contracts and the termination of tenured school district employees when a reduction in such personnel is required, in compliance with the New Mexico School Personnel Act.

II. BACKGROUND

Pursuant to the New Mexico School Personnel Act (“Act”) at New Mexico 22-5-14 NMSA 1978 (2003), the Superintendent of Schools has the authority to discharge licensed school personnel during the term of their contracts or to terminate licensed school instructors and non-licensed school employees with rights created by Section 22-10A-24(C) of the Act (hereafter “tenured employees”), after notice and a hearing when a reduction in such personnel is required as a result of circumstances justifying a reduction in force as specified herein.

Reduction-in-Force (“RIF”) is “just cause” for discharge of licensed school personnel and terminations of tenured employees, when established pursuant to this policy. This policy is adopted as the procedure by which reductions in personnel who are covered by the policy may be accomplished, within the context of the school district’s general personnel policies.

III. POSITION

A. This Policy applies to all district employees (faculty and staff), unless specifically preempted by the provisions of an applicable collective bargaining agreement covering the district employee. The district employee is directed to the provisions of the applicable collective bargaining agreement on this topic for further guidance and possible changes or additions to this Policy as applied to the district employee.

B. The Board of Education is vested with the discretion to develop educational policies for the school district, so long as the state educational standards and statutorily-required standards are met. The Superintendent, in carrying out the educational policies of the Board and administering and supervising the school district, shall exercise his/her discretion in

accordance with this policy in determining when decreased enrollment, financial exigency or other causes justify a reduction in personnel.

IV. PROCEDURE

The Superintendent of Schools shall promulgate a regulation for the enforcement of this policy. Said regulation shall include:

- A. The grounds for justifying a RIF;
- B. The timing of a reduction in force and the preparation of a RIF plan;
- C. A determination of the need for a RIF;
- D. Criteria for the selection of employees for a RIF, based upon a study of school district personnel. This shall include criteria for:
 - 1. licensed personnel, including endorsements, extracurricular licensing, experience and assignment; service in the school district; education; and, at the discretion of the Superintendent, performance;
 - 2. non-licensed personnel, including seniority; specialized qualifications and licenses; extracurricular licensing, assignments and experience; service to the school district; and, at the discretion of the Superintendent, performance.
 - 3. the consideration of transfer or reassignment to another program of all affected personnel.
 - 4. Procedural rights provided by state statute to all affected personnel, including appeal to an independent arbitrator.
- E. A procedure for the recall of released staff within one year after a RIF.
- F. The Board of Education shall:
 - 1. Consider the recommendations of the Superintendent for the adoption of a RIF plan at a duly-called board meeting; and
 - 2. Jointly determine the need for a mid-year RIF.

II. REVIEW

This Policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



Board of Education, President

Dec. 14, 2010

Date Approved

History: Formerly Policy 256, revised 11.22.95, 10.17.00, 1st read based on policy written by Cuddy & McCarthy; 2nd read 11.16.10; revised 12.14.10 (Cuddy Review)

Legal Reference: New Mexico Statutes Annotated §§ 22-5-14, 22-8-41, 22-10A-14, 22-10A-24, 22-10A-25, 22-10A-27, and 22-10A-28 (2003), as amended and re-codified in the future; *Aguilera v. Bd. of Educ.*, 2006 NMSC 15, 139 N.M. 330, 132 P.3d 587 (N.M. 2006); *Swisher v. Darden*, 59 N.M. 511, 287 P.2d 73 (N.M. 1955).