

ADMINISTRATIVE PROCEDURE NO. 409

TEACHING STAFF REDUCTION

Background

The Division recognizes its mandate (commitment) to provide quality Catholic 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 teaching staff in a particular school, in a geographic region, or in the Division as a whole.

Guidelines

1. The Superintendent, or designate, has been given the responsibility for dealing with teacher reductions in accordance with these procedures and bringing recommendations to the Board.
2. Factors that may give rise to a need for a reduction in the number of teachers include, either singularly, or in combination, changes, either current or projected, in any of the following:
 - 2.1 Student enrolment;
 - 2.2 Population patterns;
 - 2.3 Local and provincial financial support for education;
 - 2.4 Funding from all sources;
 - 2.5 Student enrolment needs;
 - 2.6 Curricular content or practices;
 - 2.7 Programs offered by the Division;
 - 2.8 Function of existing physical facilities;
 - 2.9 Other factors which the Superintendent, or Principal, consider relevant.
3. The principal of each school who anticipates experiencing a surplus of staff will identify the situation to the school teaching staff, and will solicit such input from staff as the Principal may consider advisable as to possible solutions that may eliminate or reduce the anticipated requirement for staff reduction.

4. In recognition of the fiscal responsibilities conferred upon Principals under the school based management model employed by the Division, and mandated by Alberta Education, the Principal of each school will be responsible for determining the number of staff that the school can have within a balanced school budget. In case reduction in teaching staff becomes necessary, the Principal will determine which staff members, in the Principal's opinion, will be able to maintain the greatest level of delivery of programs of all kinds and to meet student needs, within the school. The Principal will also consider seniority of staff members.
5. In considering seniority of staff the Principal shall confirm with the Superintendent the seniority of the teachers potentially affected. The Superintendent will calculate seniority on the basis of years and full months of service with the Division or its predecessors. For teachers on part-time contracts seniority will be calculated in the same manner as for full time contract teachers. Service will include periods of maternity/parental leave, sabbatical leave, sick leave, receipt of EDB benefits, but, not include leaves of absence of more than thirty (30) days for personal reasons, such as, but not limited to, deferred salary leaves. A break in service shall not reduce service accumulated prior to the break to zero.
6. In the event that necessary reduction in teaching staff is not achieved through voluntary attrition and transfers, and it becomes necessary to terminate contracts of employment, the primary consideration of the Superintendent and the Principal shall be the maintenance of as great a level of service in delivery of the various programs offered by the Division to its students, and the fulfillment of their needs, as financial resources may reasonably permit.
7. It is desirable, to the extent reasonably possible, bearing in mind program requirements and student needs, that temporary, probationary and interim contract teachers may be considered for reduction prior to continuing contract teachers.
8. This administrative procedure shall apply to all teachers on leave of absence, subject to any legal considerations regarding return to work requirements under any statute, regulation or Board policy.
9. The Superintendent may determine that a teacher should not be subject to the application of this administrative procedure, from time to time, due to the Superintendent considering it advisable that the teacher be exempt due to the subject the teacher teaches or due to particular experience.

Procedures

1. Voluntary attrition, for purposes of this administrative procedure, shall include any of the following actions on the part of a teacher:
 - Resignation;
 - Retirement;
 - Taking a leave of absence;
 - Voluntary change in employment status (e.g. full time to part time);
 - Voluntary transfer.

2. If voluntary attrition does not result in the necessary staff reduction, the Superintendent will endeavour to effect required staff reduction through the transfer of teachers to other appropriate assignments, as determined by the Superintendent, or designate.

2. Principals shall work in collaboration with the Superintendent and the representatives of the Alberta Teachers Association (ATA) Local regarding any transfers that may be necessary both from, and to, any school. The Superintendent will make the final determination regarding any required transfers.
 - 3.1 Any transfers will be based upon considerations the Superintendent, or designate, deems appropriate, including the retention of staff to enable the school to meet its program requirements and the educational needs of students as determined by the Principal and the Superintendent;
 - 3.2 Transfers, and any appeals in respect of same, will be dealt with in accordance with the School Act.

3. A teacher whose employment is subject to termination, will be advised in writing of the intention of the Superintendent to recommend to the Board that the teacher's contract of employment be terminated, and such notice shall set out the reason(s) for such termination. The letter to the teacher shall include:
 - 4.1 The recommendation for termination;
 - 4.2 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;
 - 4.4 The date, time and place of the Board meeting at which the recommendation will be presented;

- 4.5 The teacher's right to (i) attend the Board meeting and be represented by a member of the ATA or legal counsel, or both, and (ii) to make submissions to the Board in person or through his or her representative or both.
4. Any notice of termination shall be given in accordance with the School Act.
 5. The Board requests that recommendations to terminate contracts of employment be determined at least sixty (60) calendar days prior to the conclusion of a semester or school term. Notwithstanding the above request, the Board recognizes that emergent situations may arise which do not permit strict adherence to the sixty (60) day time period. In such instances, the Board will consider such recommendations provided they comply with provincial statute.
 6. The Superintendent may assign a teacher whose contract of employment may be terminated to a vacant position.
 7. 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.

Reference: Sections 104 & 107, School Act
Employment Standards Code