

arbitrate within ten (10) working days of receipt of the written response or within ten (10) days of the first Board meeting after submitting the appeal if no meeting was held with the grievant. If the parties cannot agree on the arbitrator within ten (10) working days from the notification date that arbitration will be pursued, the arbitrator shall be selected by the American Arbitration Association in accord with its rules. These rules shall also govern the arbitration proceeding. The Board and the Association shall not be permitted to assert in such arbitration proceedings any grounds or to rely on any evidence not previously disclosed to the other party. The decision of the arbitrator shall be final and binding upon both parties.

(12) SCHEDULING OF GRIEVANCE AND ARBITRATION HEARINGS - All hearings or conferences pursuant to this grievance procedure shall be scheduled at a time and place which will afford a reasonable opportunity for all parties entitled to attend to be present, including any and all witnesses. No certificated employee involved in the grievance hearing as a witness or grievant shall suffer loss of salary or other benefits.

(13) ARBITRATION COSTS - Each party shall bear its own costs of arbitration except that the fees and charges of the arbitrator shall be shared equally by the parties.

(14) JURISDICTION OF THE ARBITRATOR - The arbitrator shall have no power to alter, add to, or subtract from the terms of this Agreement. The arbitrator shall decide all substantive and procedural arbitration issues. Upon request of either party, the merits of a grievance and the substantive and procedural arbitration issues arising in connection with the grievance shall be consolidated for hearing before an arbitrator; provided, the arbitrator shall not resolve the grievance prior to having heard the merits of the grievance.

(15) The award of the arbitrator may be entered in any court of competent jurisdiction should either party fail to implement the award.

(16) TIME LIMITS - The time limits provided in this Procedure shall be strictly observed unless extended by written agreement of the parties. In the event a grievance is filed after May 15 of any year, the Board shall use its best efforts to process such grievance prior to the end of the school term or as soon thereafter as possible. Failure of the Association to proceed with its grievance within the times hereinbefore provided shall result in the dismissal of the grievance. Failure of the Board or its representatives to take the required action within the times provided shall entitle the Association to proceed to the next step on the grievance procedure.

(17) CONTINUITY OF GRIEVANCE - Notwithstanding the expiration of this Agreement, any claim or grievance arising hereunder may be processed through the grievance procedure until resolution.

## **ARTICLE 10. PROCEDURE FOR REDUCTION IN FORCE**

### **10.1 Rationale**

The Board of Directors of the Woodland School District takes note of the fact that:

- A. The District protects the professional integrity of all certified staff members who are released from contract status because of emergency conditions due to the loss of local school levy and/or enrollment decline and/or insufficient state funding.
- B. That their releases should not reflect in any way on their professional competency or ethics; that the school district assist teachers in finding positions of equal status in another district.
- C. A legal need exists for this Policy.

## **10.2 Policy**

It is therefore concluded that:

- A. The effect upon the students in the classroom is of the highest priority; therefore, the program to be retained shall attempt to minimize the consequences of the program reductions upon students.
- B. The severance of certified personnel will be minimized to the extent practicable.
- C. Where revenues are categorical and depend on actual expenditures rather than budgeted amount, every effort will be made to maintain these programs to the limit of this categorical support. (e.g., special education, vocational education, federally supported programs, etc.).
- D. In its efforts to retain as much of the basic educational program as the District's financial resources will permit, the Board of Directors will consider reduction in expenditures, including but not limited to the following: field trips, activity programs, supplies and materials and equipment, ancillary service and personnel.
- E. It is recognized that individuals or groups may wish to donate funds for all or part of a program to be reduced, modified, or eliminated. The District will not accept any donation restricted to the support of a particular sub function. Donations which are unrestricted as to the use may be accepted by the District.
- F. That the school district determine the total number of certificated staff leaving the district for reasons of: retirement, family transfer, normal resignations, discharge or nonrenewal, etc., and that these vacancies be filled from the existing staff insofar as possible.
- G. That the determination of personnel to be retained (over and above A-B listed above) be made primarily on the basis of those most qualified to conduct the reduced educational program.
- H. That vacant positions be filled by those fully certificated teaching personnel within the District who have adequate academic preparation and experience fitted to that particular assignment or who may attain adequate preparation prior to the opening of school in the

fall. The following is the criteria for the determination of those most qualified to conduct the reduced educational program:

1. Certification: Possession of an appropriate valid Washington State Certificate for the particular position being filled.
2. Employment Categories: The following categories and specialties are established to ensure the qualifications of personnel assigned to retain position:
  - a. Elementary employees will be considered for retention on one category (K-6). (Elementary employees shall include classroom teachers, elementary librarians).
  - b. Secondary employees (7-12) will be considered for retention by teaching specialties (such as science, math, K-12 music, social studies, language arts, industrial arts, art, home economics, business education, driver education, physical education and health, individual languages, i.e., French, Spanish).
  - c. Other non-supervisory employees will be considered for retention according to their specialties which will include counselors, librarians, special education personnel (psychologists, communications disorder specialists) and nurses.
  - d. Certificated employees holding positions within programs which are funded with categorical monies shall be retained according to Federal and State requirements for said position(s).
3. Selection within Employment Categories: Certificated employees shall qualify for retention in available positions within the categories if they have previously taught in the category or specialty or have a minimum fifteen (15) quarter hours in the category or specialty. All employees shall designate in writing to the superintendent or his designee categories or specialties for which they wish to be considered. In the event that there are more qualified employees than available positions in a given category or specialty, the following criteria shall be used to determine which employee shall be retained. The people with the highest value for "Q" will be retained. (In case of a tie, the one with the most seniority will be retained).

$$Q = A + B + C + D$$

A = 1 point for each 15 quarter hours

B = 2 points for each year of experience in the category or specialty

C = 1 point for BA or BS, 2 points for minor in category or specialty or 4 points for major in category or specialty

D = 1 point for 5th year and 2 points for Masters

4. Recall Procedures: In the event that additional students enroll in the District or additional revenues become available, or a vacancy occurs, the Board shall recall certificated employees according to the preceding criteria.
- I. The Board of Directors shall review the recommendation of the superintendent. After review, the Board shall take such action as may be necessary and such notice shall be given certificated staff members as required by law. All certificated employees who receive notice of probable cause of non-renewal or discharge of their contracts will be placed in a District employment pool and will be considered for any vacancy in the District which thereafter occurs unless qualified certificated employees are not available for a particular position in the employment pool. In filling any vacancy the same criteria specified above shall be used. The term "vacancy" shall be liberally construed and shall include all positions that may become available for any reasons. All certificated employees will be retained in the District employment pool until September 15th of the following school year and will be placed on the substitute teachers' list for the following school year.
- J. Affirmative Action: In view of the District's affirmative action commitment as set forth in their policy if a reduction in certificated staff is necessary, the reduction shall affect under-represented classes as follows:
  1. If the reduction in staff can be accomplished under the normal procedure as set forth herein without causing or aggravating an imbalance in the certificated staff's ethnic and/or male/female representation, the following paragraph (2.) shall not apply.
  2. If the reduction in staff under the normal procedures of this policy would result in causing or aggravating an imbalance in the certificated staff's ethnic and/or male/female representation within any of the categories set forth in the affirmative action policy, then as to each category where under-representation would occur or be aggravated by reason of the implementation of the normal procedure, the number of persons within the under-represented group shall be reduced only to the same degree percentage wise (as close as practicable) as the number of persons within the category as a whole is reduced. The reduction in staff within the members of the under-represented group shall be accomplished by applying to the members of the under-represented group itself the normal selection rules set forth in this reduction in force policy.

## **ARTICLE 11. CERTIFICATED STAFF EVALUATION**

Certificated classroom teachers and education staff associates holding non-administrative positions (collectively referred to as "employees" herein) shall be evaluated during each school year in accordance with the procedures and criteria set forth in this policy. Every employee whose work is judged unsatisfactory based upon the evaluation criteria shall be placed in a