

## POLICY #6

### HENRY-STARK COUNTIES SPECIAL EDUCATION DISTRICT

#### POLICY STATEMENT

The members of the Special Education District recognize that School District No. 229, acting as Administrative District for the programs maintained by the District, has been the legal agent in hiring the entire staff for the programs. Acting in this capacity has resulted in certificated staff members acquiring tenure in School District No. 229 in addition to acquiring tenure status in the joint agreement special education program. In order that School District No. 229 not be penalized because of its willingness to act as Administrative District, the following procedures are adopted to control the continued employment of the special education joint agreement staff members when a tenured staff member, employed in the Special Education District, is no longer needed in the program.

1. All first and second year probationary staff members will be first released if there is a tenured staff member not assigned to another position who is certificated to fill the position that the probationary staff member would fill.
2. When it is necessary to dismiss a tenured staff member, the provisions of Article 24 relating to utilization of seniority for reduction in the ranks of tenured staff members shall be followed:
  1. All school districts that are members of the agreement shall be treated on the same basis, including District No. 229.
  2. When a tenured staff member is to be terminated due to some reduction in the joint agreement special education program, the first priority for placement in one of the participating districts shall be in the special education individual district program.
    - a) The first attempt shall be to place the teacher in one of the member districts by agreement.
    - b) If the placement by agreement cannot be worked out the district that has, in a position for which the joint agreement staff member is duly certificated, a teacher with the lowest seniority, as contrasted to similar teachers in all the other member districts, shall release the lower seniority staff member and employ the special education staff member in such position.
    - c) The same procedure shall be followed for subsequent reductions in the certificated staff of the special education joint agreement.
    - d) If there is no position in the individual special education program of any district member of the cooperative, for which the joint agreement special education teacher is properly certificated due to the staff members in the individual districts having more seniority than the special education joint agreement staff member, the same procedure shall be utilized in order to

permit the joint agreement special education staff member to be employed in a position in the regular teaching program of the individual districts.

It is the intent of this policy that no member district may refuse to take a staff member, which under the provisions of this policy the district would be required to accept.

It is further the intention of this policy that the steps for implementation of this policy be carried out by March 1, 1982, and that notifications to the member districts be given sufficiently in advance that the potentials provided for in this policy: the required determinations to be made, and ripple staff adjustments, following from the implementation of this policy (including dismissals) can be fully completed by the member districts more than 60 days before the end of the school term.

It is further the intent that this policy be applicable so long as the current statutory provisions relating to reductions in force remain as the controlling statutory provisions and that in the event legislation should be adopted which would limit the tenure of special education joint agreement staff members solely to the joint agreement (except to fill vacancies in the member districts), this policy shall no longer be effective.

It is further the intent that the staff members acquire no vested rights as a result of the adoption of this policy.

Approved 02/25/82