

Professional-Licensed Personnel Reduction in Force

Board Policy: P-7

Adopted: January 18, 1993

Revised: September 12, 2011

Effective Date: July 15, 2011

I. General Policy Statement

The Board of Education adopts this policy in order to establish an orderly process for the reduction of licensed professional employees.

II. Procedures

A. Basis for Reduction in Force

A reduction in force may be implemented when there is a significant school system reorganization, decrease in enrollment, or decrease in funding. Reorganization, decreased enrollment and decreased funding are defined as follows:

1. Reorganization is defined as a situation in which the number of existing licensed employees exceeds the number required due to a decrease in enrollment, financial demand or other cause that warrants the closing, consolidation, or reorganization of schools or school facilities. This definition includes any elimination, restriction or reorganization of a curriculum offering or program due to demand.
2. Decreased enrollment exists when the enrollment or projected enrollment for the next year causes a decrease in the number of licensed positions allocated by the state or any other funding source. Decreased enrollment also exists when the enrollment or projected enrollment for the next year in a program or curriculum offering is not adequate to justify continuation of the course or program.
3. Decreased funding means any significant decline in the Board of Education's financial resources that is brought about by the decline in enrollment or by other actions or events that compel a change in the school district's current operational budget; or any significant decrease or elimination in funding for a particular program; or any insufficiency in funding that would render the Board unable to continue existing programs at current levels.

B. Superintendent's Recommendation for Reduction in Force and Board Action

1. The superintendent shall determine whether a reduction-in-force is necessary, appropriate, or in the best interest of the school system.
2. If the superintendent decides to recommend to the board a reduction-in-force, he or she shall first determine which licensed positions shall be subject to the reduction. In making that determination, the superintendent shall account for both:
 - a. structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are (1) less essential, duplicative or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demand for curriculum, programs, operations or other services; and
 - b. organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.

3. The Board will review the superintendent's recommendation and will determine whether to reduce the number of licensed employees or to reduce their terms of employment.
4. If the Board, after exploring, considering and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of licensed employees is necessary, the Superintendent, either at a later meeting or the same meeting, shall then recommend to the board which individuals are to be dismissed, demoted, or reduced to part-time employment based on the criteria set forth below. Prior to making this recommendation, the superintendent shall follow the procedures set forth in Section C of this policy and in N.C.G.S. 115C-325(e)(2)
5. The proposed reduction may occur on a system-wide, school, department, program or service basis, or otherwise.

C. Criteria for Employee Selection

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors in determining which employees will be included in the reduction in force with added weight to the following:

1. performance as indicated on evaluations and other formal documentation, such as a supervisor's determination as to an employee's recent performance, employee's performance ratings and evaluation, and any other performance related documentation and or disciplinary action over the last three (3) years; and then
2. length of service, with higher priority given to service in this school system.

Other factors which may be used with less weight include the following:

3. area(s) of license;
4. program enrollment;
5. service in extra duty positions and ability to fill such positions; and
6. degree level

The superintendent shall give the greatest weight to criteria 1 and 2. The superintendent may adopt further procedures or rules in carrying out his or her obligations under this policy.

D. Dismissal

Prior to the superintendent making any recommendation to the board for dismissal or demotion of a specific licensed employee or final recommendation to reduce a specific employee to part-time employment, all the requirements of G.S. 115C-325 shall be met, including the following:

1. If the Board determines that a number of employees is to be reduced, the Superintendent shall proceed to implement the reduction by providing the licensed employees chosen for the reduction with appropriate written notice.
2. The notice shall include a statement that the licensed employee is entitled to have the Superintendent's recommendation reviewed by the Board of Education and that the employee has fifteen (15) days of receipt of the notice to request the hearing.
3. If a hearing is requested, the Board shall hear the matter within ten (10) days of the employee's request. The employee and Superintendent may agree to hold the hearing after the ten (10) day period. If the employee requests a hearing, the procedures provided in G.S. 115C-325(j3) will be followed. If no request is made, the Superintendent will file his recommendation with the Board of Education.
4. If, after considering the recommendation of the Superintendent and the evidence adduced at the hearing if there is one, the Board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the

evidence, the Board may by resolution uphold the Superintendent's recommendation.

5. Teachers dismissed in compliance with this policy will have their names placed on a list of available applicants.

E. Non-Renewal of Employees

The board, upon recommendation of the superintendent, may refuse to renew the contract of a probationary teacher, to offer a new, renewed or extended contract to a school administrator or to reemploy any teacher who is not under contract for any cause it deems sufficient. A decision (1) not to renew a probationary teacher's contract, (2) not to renew, extend or offer a new contract to a school administrator or (3) to not reemploy any teacher who is not under contract is not considered a "termination" under this policy. In such circumstances the procedures set forth in this policy are not be required to be followed before the board's decision.

Legal Reference: G.S. 115C-325