

REDUCTION IN FORCE: TEACHERS AND SCHOOL ADMINISTRATORS

Policy Code:

7920

The purpose of this policy is to establish an orderly procedure for a reduction in force. This policy applies to (1) employees with career status and (2) all other teachers and school administrators, as defined in the relevant statutes, during the terms of their contracts. A reduction in force among any other employees will be accomplished in accordance with policy 7921, Classified Personnel Reduction, or, as applicable, in accordance with any conflicting terms of an individual employee's contract.

A. GROUNDS FOR REDUCTION IN FORCE

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of positions held by employees to whom this policy applies.

1. System Reorganization

System reorganization is defined as (a) the closing, consolidation, or reorganization of schools, school buildings, or facilities; (b) the elimination, curtailment, or reorganization of a curriculum offering, program, or school operation; or (c) the merger of two or more school systems.

2. Declining Enrollment

Declining enrollment exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the State or any other funding source; or (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

3. Financial Exigency

Financial exigency means (a) any significant decline in the board's financial resources that compels a reduction in the school system's current operational budget; (b) any significant decrease or elimination in funding for a particular program; or (c) any insufficiency in funding that would render the board unable to continue existing programs at current levels.

B. PRELIMINARY DETERMINATION

1. The superintendent shall determine whether or not a reduction in force for employees subject to this policy is necessary, appropriate, or in the best interests 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 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 demands 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 superintendent shall then present a recommendation to the board. The recommendation must include:
 - a. the grounds for a reduction in force;
 - b. the positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and
 - c. the background information, data, and rationale for the recommendation.
4. The board will review the superintendent's recommendation and will determine whether to reduce the number of employees or to reduce their terms of employment.
5. 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 employees subject to this policy is necessary, the superintendent shall recommend to the board which individuals are to be dismissed, demoted, or reduced to part-time employment, based on the criteria set forth in Section C, below. Prior to submitting the recommendation to the board, the superintendent shall give written notice to the career employees by certified mail or personal delivery of his or her intention to make the recommendation and the grounds upon which he or she believes such dismissal or action is justified. The written notice also shall inform the affected employees of their right to request a hearing before the board, as provided by G.S. 115C-325.

C. CRITERIA

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, including the following:

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

The superintendent also may consider the following other factors:

3. area(s) of licensure;
- ~~1.4.~~ program enrollment;
- ~~2.~~ highly qualified status;
- ~~3.~~ program enrollment;
- ~~4.5.~~ service in extra duty positions and ability to fill such positions; and
- ~~5.~~ length of service, with higher priority given to service in this school system; and
6. degree level.

The superintendent shall give the greatest weight to criteria (1) and (2), above, and may consider the remaining other criteria with less weight. The superintendent shall may further develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion in the reduction in force in accordance with this policy.

D. PROCEDURE FOR TERMINATION

The board will consider the superintendent's recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325 (for teachers with career status) and 115C-325.6 (for non-career status teachers) will be met, including the time limits and procedures for notice and the opportunity for a hearing, when any teacher with career status (as defined in G.S. 115C-325) or teacher or administrator (as defined in G.S. 115C-325.1) is terminated, demoted, or reduced to part-time employment due to a reduction in force.

E. TERMINATION/REEMPLOYMENT OF A TEACHER WITH CAREER STATUS

When a teacher with career status is dismissed in accordance with this policy, his or her name will be placed on a list of available employees to be maintained by the board.

F. NONRENEWAL OF AN EMPLOYEE

The board, upon recommendation of the superintendent, may refuse to renew the contract of a non-career status teacher; to offer a new, renewed, or extended contract to a school administrator; or to reemploy any non-career status teacher who is not under contract for any cause it deems sufficient (see policy 7950, Non-Career Status Teachers: Nonrenewal). A decision (1) not to renew a non-career status teacher's contract, (2) not to renew, extend, or offer a new contract to a school administrator, or (3) to not reemploy any non-career status 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 required to be followed before the board's decision.

Legal References: G.S. 115C-287.1, -325 (applicable to career status teachers), -325.4, -325.6 to -325.9 (applicable to non-career status teachers)

Cross References: Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: