

REDUCTION IN FORCE: LICENSED EMPLOYEES

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The purpose of this policy is to establish an orderly procedure for the reduction of licensed, professional employees of the school system. This policy applies to teachers as defined by G.S. 115C-325(a)(6) and school administrators as defined by G.S. 115C-287.1(a)(3). Reductions in force shall be determined according to the definition and procedures established in G.S. 115C-325 and by this policy.

A. Grounds for Reduction in Force

Reduction in force may be implemented when the Board determines that any of the following circumstances exist:

1. District Reorganization - defined as:

a. declining enrollment, financial exigency, or other cause (s) that warrant(s) closing, consolidation or reorganization of schools, school buildings or facilities and the number of existing certified employees exceeds the number required to staff the school, school buildings or facility as reorganized; or

b. any elimination, curtailment, or reorganization of a curriculum offering, program or school operation or a reorganization or consolidation of two or more individual schools or school districts that is unrelated to financial exigency.

2. Decreased Enrollment - shall exist 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 when the enrollment or projected enrollment for the next succeeding school year of a curriculum offering or program is inadequate to justify continuation of the course or program.

3. Decreased Funding - shall mean 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 system'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. Preliminary Determination

1. The Superintendent shall determine whether or not a reduction in force is necessary, appropriate or in the best interests of the school system. The Superintendent is authorized to limit or narrow the scope of any reduction in force to those employees who work in the school, facility, program or department subject to the reduction in positions.

2. When the Superintendent believes that grounds exist for a reduction in force, the Superintendent shall present a written recommendation to the Board of Education. The recommendation shall include:

- a. The grounds for reduction in force;
- b. The number or estimated number of certified employees to be reduced by area(s) of certification and/or program responsibility; and
- c. The background information, data, and rationale for the recommendation.

3. The Board of Education shall review the Superintendent's recommendation and shall determine whether to authorize a reduction in certified positions.

4. If the Board authorizes a reduction in force, 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 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 intention to make the recommendation and the grounds upon which he believes such dismissal or action is justified. The written notice shall also inform the affected employee 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 shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system.

The Board will consider the following factors in determining which employees shall be included in the reduction in force:

1. Performance ratings;
2. Program enrollment;
3. Service in extra duty positions and ability to fill such positions;
4. Length of service, with higher priority given to service in the Edenton-Chowan Schools; and
5. Recommendations and advice from the Superintendent.
6. Other beneficial services provided by the employee to the school system.

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Among these factors primary consideration will be given to criteria (1) and (5) above.

D. Exclusions

The Superintendent may recommend to the Board the exclusions of specifically identified employees in an area of certification or administration from a reduction in force for specifically stated special or exceptional circumstances; provided, however, that a probationary employee may not be excluded from a reduction in force if his or her exclusion would result in the dismissal or demotion of a career teacher who is certified and otherwise as qualified as the probationary employee.

Special or exceptional circumstances include:

1. A need or desire to retain those employees whose performances are deemed outstanding based upon regular evaluation reports and other indicators of excellence;

2. A need or desire to retain those employees who are specifically qualified to coach or sponsor an extracurricular activity; and
3. Any other special or exceptional circumstances as recommended by the Superintendent and approved by the Board of Education.

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E. Procedure for Termination

All requirements of G.S. 115C-325 will be met, including time limits and procedures for notice and opportunity for a hearing, when any career teacher (as defined in G.S. 115C-325) is terminated, demoted, or reduced to part-time employment due to reduction in force or any probationary teacher (as defined in G.S. 115C-325) is terminated, demoted, or reduced to part-time employment during the contract term due to a reduction in force.

F. Termination/Reemployment of a Career Employee

When a career teacher is dismissed in accordance with this policy, his or her name shall be placed on a list of available employees to be maintained by the Board. Career teachers whose names are placed on such a list shall have a priority on all positions for which they are qualified which become available in the school district for the three consecutive years succeeding their dismissal. If the school district offers the dismissed teacher a position for which he or she is certified and he or she refuses it, his or her name shall be removed from the priority list.

G. Nonrenewal of a Teacher or School Administrator

The Board, upon recommendation of the Superintendent, may refuse to renew the contract of a probationary teacher or school administrator for any reason permitted by law, including, but not limited to, district reorganization, decreased enrollment, or decreased funding. In such cases, the procedures set forth in this policy shall not apply.

LEGAL REF: G.S.115C-325

ADOPTED: February 7, 2005