NON-LICENSED PERSONNEL REDUCTION

Policy Code: **7921**

The Buncombe County Board of Education recognizes that should the number of students enrolled in the Buncombe County Schools decrease, the number of non-licensed employees needed to serve the public schools may also decrease. The funds appropriated by the state, local, and federal government may decrease, remain the same or not increase sufficiently to fund all existing positions. The Board also recognizes that it may be necessary, appropriate, or in the best interest of the school system to close some schools, consolidate some schools and reorganize others. The Board recognizes further that some programs may have to be eliminated, some reduced and others changed. While it is the policy of the Board to reduce the number of non-licensed personnel by attrition rather than by a reduction in force, the occasion may arise when a reduction in force must be made.

1. Definitions

- "*Non-licensed Employee*" means a person who is employed to fill a position that does not require a North Carolina teaching certificate.

- "*Attrition*" means a reduction in personnel assigned to a specific area as a result of resignation, retirement, or voluntary transfer.

- "*Reduction in Force*" means dismissal or demotion of a non-licensed employee after the employee's first day of work in the fiscal year for reasons of budget restraint or program change. The release from employment of a non–licensed employee at the end of a school year because of budget restraint or program change is not a reduction in force, and no objection or appeal may be filed.

- "*Day*" means calendar day. In computing a period of time, the day the notice is received is not counted, but the last day of the period so computed is counted.

- *"Seniority"* means employment in this school system and does not include service in other state agencies.

2. Grounds for Reduction in Force

- *Declining Enrollment*—There are grounds for reduction in force if enrollment or projected enrollment justifies employment of fewer non-licensed employees.

- *Budget Restraints*—There are grounds for a reduction in force if the sum of estimated revenues and appropriated funds is less than the estimated expenditures to maintain the number of non-licensed personnel, minus the anticipated attrition.

- *Reorganization*—There are grounds for a reduction in force if a declining enrollment, budget restraints, or other causes warrant closing, consolidating or reorganizing a public school or schools and the number of existing non-licensed personnel exceeds the number required to staff.

- *Program Reduction or Elimination*—There are grounds for a reduction in force if a specific program is reduced or eliminated due to a declining enrollment (including a decline in student registration for a particular course or subject area), budget restraint or a policy decision based on an evaluation of the effectiveness of the program or other

causes.

3. Preliminary Determination for a Reduction in Force

The Superintendent shall determine whether a reduction in force is necessary, appropriate, or in the best interest of the school system.

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

a. The grounds for the reduction in force.

b. The number or estimated number of non-licensed employees to be reduced.

c. The area(s) to be reduced. Areas shall mean any combination of job classifications and job titles as recommended by the Superintendent.

d. The anticipated attrition in the area(s) to be reduced.

e. The background information, data and rationale for the recommendation.

4. **Criteria for Reduction in Force**

- Reduction in force will be considered on a county-wide basis by the job classification being reduced.

- The superintendent shall recommend reductions in force to the board based upon the following criteria:

  - job performance as indicated on formal evaluations and other documentation;
  - degrees, licenses, or other indications of an employee's potential to contribute and progress in the school system;
  - seniority in the school system as a whole, not within individual schools or programs;
  - other criteria determined to be relevant by the superintendent

- ~~Seniority in the school system as a whole, (not within individual schools or programs), will be the first consideration and the employees with the least seniority will be terminated first.~~

- ~~The second consideration, if necessary, will be the review and evaluation of the employee's performance appraisal as made by the principal or immediate supervisor. A person with more seniority and an inadequate or unsatisfactory performance appraisal would be terminated before an employee with less seniority and an adequate or satisfactory performance appraisal.~~

- The Superintendent shall make a final administrative decision as to which employees are to be dismissed or demoted pursuant to the reduction in force.

- Any person who believes that he has been unlawfully terminated under the provisions of this

policy may, within five (5) days, request, in writing, a hearing before the Superintendent or designee. Following such a hearing, the terminated employee, if still not satisfied, may, within then (10) days after notification of the Superintendent's decision, request a hearing before the Board of Education. The Superintendent shall make arrangements for the hearing and shall notify the employee of the time and place for the hearing.

Adopted: March 6, 2014

Replaces Board Policy 725