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 statues, 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 a reduction in force for employees subject to this policy is necessary, appropriate or in the best interests of the school system. Reassignment should be considered to align staffing levels with student enrollment and school needs before initiating a reduction in force.

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 below.

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;

2. areas of licensure;

3. program enrollment;

4. service in extra duty positions and ability to fill such positions;

5. length of service, with higher priority given to service in this school system; and

6. degree level.

The superintendent shall 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.

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 CAREER EMPLOYEE

When a teacher with a 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: Classified Personnel Reduction (policy 7921), Non-Career Status Teachers: Nonrenewal (policy 7950)

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