

## 5360 REDUCTION IN FORCE: LICENSED EMPLOYEES

The purpose of this policy is to establish an orderly procedure for the reduction in force 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: (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.~~

### 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. In determining which positions shall be subject to a reduction in force, the Superintendent shall consider the following
  - a. Structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and/or position inefficiencies; (iii) opportunities for combined work functions; and/or (iv) decreased student or other demands for curriculum, programs, operations, or other services.
  - b. Organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.
3. 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 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 of Education shall review the Superintendent's recommendation and shall determine whether to authorize a reduction in ~~certified~~ positions.
5. 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. Work performance;
2. Areas of licensure;
3. Highly Qualified Status;
4. Degree Level;
5. Program enrollment;
6. Service in extra duty positions and ability to fill such positions;
7. Length of service, with higher priority given to service in the Edenton-Chowan Schools; ~~and~~
8. Recommendations and advice from the Superintendent; and
9. Other beneficial services provided by the employee to the school system

Among these factors primary consideration will be given to criteria (1) and (8) above.

In assessing an employee's work performance for purposes of this policy, the school system may consider performance evaluations, improvement plans, past disciplinary actions, and other relevant factors as determined by the Superintendent.

**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.

**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.

**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

non-career status 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.

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.

#### G. Nonrenewal of a Teacher or School Administrator

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

LEGAL REF: G.S.115C-~~287.1, -325~~ (applicable to career status teachers), -325.4, 325.6 to 325.9 (applicable to non-career status teachers); ~~S.L. 2011-145~~

ADOPTED: February 7, 2005

AMENDED: July 11, 2011; December 2, 2013; July 7, 2015

**EDENTON-CHOWAN BOARD OF EDUCATION**