

The Transylvania County Board of Education (the "Board") recognizes that if the number of students enrolled in the school system decreases significantly, then the number of employees needed to serve the public schools may also decrease. Additionally, the funds appropriated by State, Local, and Federal governments may decrease, remain the same, or not increase sufficiently to fund all existing positions, both certified and non-certified. The Board also recognizes that it may be necessary, appropriate, or in the best interests of the school system to reorganize schools. The Board further recognizes that it may be necessary on occasion to eliminate, reduce, or otherwise change some programs.

While it is the preference of the Board first to reduce staffing levels through natural attrition, the occasion may arise when a reduction in force is necessary. Regardless, it is the intention of this Board to provide sound basic classroom instruction and quality support services.

The purpose of this policy is to establish an orderly procedure for reducing the number of licensed, professional employees of the school system.

1. DEFINITIONS

- A. *Certified employee* means any teacher, principal, supervisor, or any other person who is employed to fill a position that requires a certificate (license) issued by the North Carolina Department of Public Instruction.
- B. *Probationary teacher* means any certified employee other than a superintendent, associate superintendent, or assistant superintendent who has not obtained career status and whose major responsibility is to teach or to supervise teaching.
- C. *Career teacher* means any certified employee who has achieved career status (tenure) in Transylvania County Schools and who holds a career contract.
- D. *Non-certified employee* means all other employees who are not certified employees.
- E. *Termination* means the cessation of an employee's ongoing employment. By definition, the non-renewal of a certified employee's interim or probationary contract is not a termination.

A. GROUNDS FOR REDUCTION IN FORCE

A reduction in force may be implemented when the Board determines that any of the following circumstances exist have resulted in the need to decrease the number of licensed, professional positions:

1. District Reorganization

District 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.

- A. ~~Declining enrollment, financial exigency, or other cause(s) warranting reorganization of schools, school buildings, or facilities; and where the number of existing 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 of schools or school programs that is unrelated to financial exigency.~~

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 for the next succeeding school year 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 is brought about by the decline in enrollment or by other actions or events that compels a change in the school district's current operational budget; or, (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.

III. ~~RECOMMENDATION FOR A REDUCTION IN FORCE~~

~~The Superintendent shall determine whether a reduction in force is necessary, appropriate, or in the best interests of the school system. When the Superintendent determines that reasons exist for a reduction in force, then he or she shall present a recommendation to the Board. The recommendation shall include:~~

- A. ~~The reason(s) for the reduction in force;~~
- B. ~~The number or estimated number of employees to be reduced; and~~

- 87
88 C. ~~The specific program area(s) to be reduced (e.g., elementary grades,~~
89 ~~middle grades subject areas, secondary grades subject areas, English as a~~
90 ~~Second Language, special education, career technical education program~~
91 ~~areas, central office personnel, school based administrators, non-certified~~
92 ~~employees, etc.). The foregoing examples are offered for illustrative~~
93 ~~purposes only and are not intended to represent an exhaustive list.~~
94

95 **B. PRELIMINARY DETERMINATION**
96

- 97 1. The Superintendent shall determine whether or not a reduction in force for
98 licensed employees is necessary, appropriate, or in the best interests of the school
99 system.
100
101 2. If the Superintendent decides to recommend to the Board a reduction in force, he
102 or she shall first determine which licensed positions shall be subject to the
103 reduction. In making that determination, the Superintendent shall account for
104 both:
105
106 a. Structural considerations, such as identifying positions, departments, courses,
107 programs, operations, and other areas where there are (1) less essential,
108 duplicative, or excess personnel; (2) job responsibility and/or position
109 inefficiencies; (3) opportunities for combined work functions; and/or, (4)
110 decreased student or other demands for curriculum, programs, operations, or
111 other services; and,
112
113 b. Organizational considerations, such as anticipated organizational needs of the
114 school system and program/school enrollment.
115

116 This subsection will expire on June 30, 2013.
117

- 118 3. The Superintendent shall then present a recommendation to the Board. The
119 recommendation must include:
120
121 a. The grounds for a reduction in force;
122
123 b. The licensed positions to be reduced, categorized by area(s) of licensure
124 and/or program responsibility; and,
125
126 c. The background information, data, and rationale for the recommendation.
127

4. The Board will review the Superintendent's recommendation and will determine whether to reduce the number of licensed 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 licensed employees 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.
6. The proposed reduction may occur on a system-wide, department, program, service, or school basis, or otherwise.

~~IV. BOARD OF EDUCATION APPROVAL~~

~~The Board shall review the Superintendent's recommendation and shall determine whether to reduce the number of employees by the number and areas recommended.~~

~~C. CRITERIA FOR REDUCTION IN AREA OF EMPLOYMENT REDUCED~~

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 district. ~~In no order of priority, the Board will~~ **The Superintendent shall** consider the following applicable **a variety of** factors in determining which employees will be included in the reduction in force, **including the following:**

- ~~• Performance evaluations;~~
- ~~• Current licensure status;~~
- ~~• Level of educational attainment;~~
- ~~• Service in extra duty positions and ability to fill such positions;~~
- ~~• Longevity of service, with higher priority given to service in this school district;~~
- ~~• Program enrollment;~~
- ~~• Recommendations and advice from the Superintendent; and~~
- ~~• Other beneficial services provided by the employee to the school system.~~

1. Performance, as indicated on evaluations and other formal documentation, such as a supervisor's determination as to an employee's recent performance, employee's performance ratings and evaluations, and any other performance related documentation and/or disciplinary action over the last three (3) years;
2. Area(s) of licensure;

3. “Highly qualified” status;
4. Program enrollment;
5. Service in extra duty positions and ability to fill such positions;
6. Length of service, with higher priority given to service in this school system;
7. Degree level; and,
8. Status as a part-time or return-to-work employee.

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. The Superintendent may determine that special or exceptional circumstances exist that would warrant limited exceptions to the application of such criteria to specific individuals, consistent with Board policy, state, and federal law (e.g., the desire to retain employees specifically qualified and/or necessary to complete or continue a program/project or to sponsor or coach an extracurricular activity, or other special circumstances). Such instances will be reported to the Board.

D. PROCEDURE FOR REDUCTION IN FORCE TERMINATION

- A. ~~If the Board determines that a number of employees is to be reduced, then the Superintendent shall proceed to implement the reduction on the effective date(s) approved by the Board.~~
- B. ~~Pursuant to North Carolina General Statutes (NCGS) § 115C-325(e)(2), the Superintendent shall notify in writing each employee whose employment will be terminated.~~
- C. ~~When a career employee is dismissed pursuant to NCGS § 115C-325(e)(1)1., his name shall be placed on a list of available career employees to be maintained by the Board. Career employees whose names are placed on such a list shall have a priority on all positions in which they acquired career status and for which they are qualified which become available in the system for the three consecutive years succeeding their dismissal. However, if the Board offers the dismissed career employee a position for which he is certified and he refuses it, then his name shall be removed from the priority list.~~

~~D. 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. Documentation of such action shall be placed in the employee's personnel file for the purpose of future employment references.~~

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 N. C. Gen. Stat. § 115C-325 will be met, including the time limits and procedures for notice and the opportunity for a hearing, when any career employee (as defined in N. C. Gen. Stat. § 115C-325) is terminated, demoted, or reduced to part-time employment due to a reduction in force.

E. TERMINATION/REEMPLOYMENT OF A CAREER EMPLOYEE

When a career employee 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 probationary teacher, to offer a new, renewed, or extended contract to a school administrator, or to reemploy any teacher who is not under contract for any cause it deems sufficient. A decision (1) not to renew a probationary teacher's contract, (2) not to renew, extend, or offer a new contract to a school administrator, or (3) not to reemploy any 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: N. C. Gen. Stat. § 115C-325; S.L. 2011-145

APPROVED BY BOARD
AND EFFECTIVE 3/9/82
REVISED 4/25/88
REVISED 03/16/09
REVISED _____