

~~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

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45 District reorganization is defined as: (a) the closing, consolidation, or
46 reorganization of schools, school buildings, or facilities; (b) the elimination,
47 curtailment, or reorganization of a curriculum offering, program, or school
48 operation; or, (c) the merger of two or more school systems.

- 49
50 ~~A. Declining enrollment, financial exigency, or other cause(s) warranting~~
51 ~~reorganization of schools, school buildings, or facilities; and where the number of~~
52 ~~existing employees exceeds the number required to staff the school, school~~
53 ~~buildings, or facility as reorganized; or,~~
54
55 ~~B. Any elimination, curtailment, or reorganization of a curriculum offering, program,~~
56 ~~or school operation; or, a reorganization of schools or school programs that is~~
57 ~~unrelated to financial exigency.~~

58 59 2. Declining Enrollment

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61 Declining enrollment exists (a) when the enrollment or projected enrollment for
62 the next succeeding school year causes a decrease in the number of teaching or
63 administrative positions allocated by the State or any other funding source; or, (b)
64 when the enrollment or projected enrollment for the next succeeding school year
65 of a curriculum offering or program for the next succeeding school year is
66 inadequate to justify continuation of the course or program.

67 68 3. Financial Exigency

69
70 Financial exigency means (a) any significant decline in the Board's financial
71 resources that is brought about by the decline in enrollment or by other actions or
72 events that compels a change in the school district's current operational budget;
73 or, (b) any significant decrease or elimination in funding for a particular program;
74 or, (c) any insufficiency in funding that would render the Board unable to
75 continue existing programs at current levels.

76 77 ~~III. RECOMMENDATION FOR A REDUCTION IN FORCE~~

78
79 ~~The Superintendent shall determine whether a reduction in force is necessary,~~
80 ~~appropriate, or in the best interests of the school system. When the Superintendent~~
81 ~~determines that reasons exist for a reduction in force, then he or she shall present a~~
82 ~~recommendation to the Board. The recommendation shall include:~~

- 83
84 ~~A. The reason(s) for the reduction in force;~~
85
86 ~~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

- 128 4. The Board will review the Superintendent's recommendation and will determine
 129 whether to reduce the number of licensed employees or to reduce their terms of
 130 employment.
 131
- 132 5. If the Board, after exploring, considering, and discussing a variety of ways to
 133 avoid a reduction in force, determines that a reduction in force of licensed
 134 employees is necessary, the Superintendent shall recommend to the Board which
 135 individuals are to be dismissed, demoted, or reduced to part-time employment,
 136 based on the criteria set forth below.
 137
- 138 6. The proposed reduction may occur on a system-wide, department, program,
 139 service, or school basis, or otherwise.
 140

141 ~~IV. BOARD OF EDUCATION APPROVAL~~

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 143 ~~The Board shall review the Superintendent's recommendation and shall determine~~
 144 ~~whether to reduce the number of employees by the number and areas recommended.~~
 145

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

147
 148 The primary consideration in any reduction in force will be the maintenance of a sound
 149 and balanced educational program that is consistent with the functions and
 150 responsibilities of the school district. ~~In no order of priority, the Board will~~ **The**
 151 **Superintendent shall** consider the following applicable **a variety of** factors in determining
 152 which employees will be included in the reduction in force, **including the following:**
 153

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

- 163
- 164 1. Performance, as indicated on evaluations and other formal documentation, such as
 165 a supervisor's determination as to an employee's recent performance, employee's
 166 performance ratings and evaluations, and any other performance related
 167 documentation and/or disciplinary action over the last three (3) years;
 168
- 169 2. Area(s) of licensure;

- 170
- 171 3. “Highly qualified” status;
- 172
- 173 4. Program enrollment;
- 174
- 175 5. Service in extra duty positions and ability to fill such positions;
- 176
- 177 6. Length of service, with higher priority given to service in this school system;
- 178
- 179 7. Degree level; and,
- 180
- 181 8. Status as a part-time or return-to-work employee.
- 182

183 The Superintendent shall develop a system for using the above-mentioned factors to
184 determine which employees will be recommended to the Board for inclusion in the
185 reduction in force. The Superintendent may determine that special or exceptional
186 circumstances exist that would warrant limited exceptions to the application of such
187 criteria to specific individuals, consistent with Board policy, state, and federal law (e.g.,
188 the desire to retain employees specifically qualified and/or necessary to complete or
189 continue a program/project or to sponsor or coach an extracurricular activity, or other
190 special circumstances). Such instances will be reported to the Board.

191

192 **D. PROCEDURE FOR REDUCTION IN FORCE TERMINATION**

193

- 194 ~~A. If the Board determines that a number of employees is to be reduced, then~~
195 ~~the Superintendent shall proceed to implement the reduction on the~~
196 ~~effective date(s) approved by the Board.~~
- 197
- 198 ~~B. Pursuant to North Carolina General Statutes (NCGS) § 115C-325(e)(2), the~~
199 ~~Superintendent shall notify in writing each employee whose employment will be~~
200 ~~terminated.~~
- 201
- 202 ~~C. When a career employee is dismissed pursuant to NCGS § 115C-325(e)(1)1., his~~
203 ~~name shall be placed on a list of available career employees to be maintained by~~
204 ~~the Board. Career employees whose names are placed on such a list shall have a~~
205 ~~priority on all positions in which they acquired career status and for which they~~
206 ~~are qualified which become available in the system for the three consecutive years~~
207 ~~succeeding their dismissal. However, if the Board offers the dismissed career~~
208 ~~employee a position for which he is certified and he refuses it, then his name shall~~
209 ~~be removed from the priority list.~~
- 210

211 ~~D. The Board, upon recommendation of the Superintendent, may refuse to renew the~~
212 ~~contract of a probationary teacher or school administrator for any reason~~
213 ~~permitted by law, including, but not limited to, district reorganization, decreased~~
214 ~~enrollment, or decreased funding. In such cases, the procedures set forth in this~~
215 ~~policy shall not apply. Documentation of such action shall be placed in the~~
216 ~~employee's personnel file for the purpose of future employment references.~~

217
218 The Board will consider the Superintendent's recommendation and may, by resolution,
219 order dismissal or demotion of an individual or reduce an individual to part-time
220 employment. All requirements of N. C. Gen. Stat. § 115C-325 will be met, including the
221 time limits and procedures for notice and the opportunity for a hearing, when any career
222 employee (as defined in N. C. Gen. Stat. § 115C-325) is terminated, demoted, or reduced
223 to part-time employment due to a reduction in force.
224

225 **E. TERMINATION/REEMPLOYMENT OF A CAREER EMPLOYEE**

226
227 In the event that a licensed, professional employee is terminated, demoted, or reduced to
228 part-time employment due to a reduction in force, the Superintendent shall furnish to the
229 employee a written notice of the Board's decision to reduce the number of licensed
230 employees or to reduce their terms of employment in accordance with this policy. When
231 a career employee is dismissed in accordance with this policy, his or her name will be
232 placed on a list of available employees to be maintained by the Board.
233

234 **F. NONRENEWAL OF AN EMPLOYEE**

235
236 The Board, upon recommendation of the Superintendent, may refuse to renew the
237 contract of a probationary teacher, to offer a new, renewed, or extended contract to a
238 school administrator, or to reemploy any teacher who is not under contract for any cause
239 it deems sufficient. A decision (1) not to renew a probationary teacher's contract, (2) not
240 to renew, extend, or offer a new contract to a school administrator, or (3) not to reemploy
241 any teacher who is not under contract is not considered a "termination" under this policy.
242 In such circumstances, the procedures set forth in this policy are not required to be
243 followed before the Board's decision. In the event that the Board, upon recommendation
244 of the Superintendent, refuses (1) to renew the contract of a probationary teacher, (2) to
245 offer a new, renewed, or extended contract to a school administrator, or (3) to reemploy
246 any teacher who is not under contract as a result of district reorganization, declining
247 enrollment, or financial exigency, the Superintendent shall furnish to the employee a
248 written notice of the Board's decision.
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251
252 Legal References: N. C. Gen. Stat. § 115C-325; S.L. 2011-145
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256 APPROVED BY BOARD
257 AND EFFECTIVE 3/9/82
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259 REVISED 03/16/09
260 REVISED _____
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