

## **REDUCTION IN LICENSED STAFF WORK FORCE**

The Board of Education recognizes that in the event of declining enrollment, decreased funding, system reorganization, or program change, it may become necessary, appropriate, or in the best interest of the school system to reduce the number of licensed employees.

The purpose of this policy is to establish an orderly procedure for reduction in the employment of licensed employees of the school system who are subject to G.S. 115C-325 by statute or employment contract. This policy also applies to all "school administrators" who are entitled to employment contracts under G.S. 115C-287.1. Reductions in force shall be determined according to the definition and procedures established in G.S. 115C-325 and by this policy.

The termination of a licensed employee to achieve a reduction-in-force is not to be confused with the non-reappointment of a licensed employee on a time-certain contract.

### Definitions

1. Reduction in Force (RIF) - A justifiable decrease in the number of positions due to system reorganization, decreased enrollment, or decreased funding.
2. System Reorganization – Is defined as declining enrollment, financial exigency, or any other cause that warrants closing, consolidation, elimination, curtailment, or reorganization of schools, facilities, programs, or curriculum offerings.
3. Decreased Enrollment - Exists when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the 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.
4. Decreased Funding - Means any 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 change the school system's current operational budget; or any 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.
5. Years of Service – Is determined by the official records maintained by the Division of Teacher Certification, State Department of Public Instruction of

North Carolina. This term applies only to years in which a licensed employee served as a public school teacher. A year shall be not less than 120 workdays performed as a full-time permanent teacher in a normal school year.

6. Termination of Licensed Employees -The cessation of employment of licensed employees for reasons of system reorganization, decreased enrollment, decreased funding, or poor performance.
7. Demotion of Licensed Employees - A reduction in pay of licensed employees for reasons of system reorganization, decreased enrollment, decreased funding, or poor performance. This would include a system wide reduction in teacher's supplements.
8. Performance Evaluation – Means that performance is obtained by reviewing a licensed employee's formal performance evaluations and any other performance related documents and /or disciplinary actions obtained during the past two school years.
9. Licensed Employee Groups – Means that for the purpose of implementing a reduction in force under this policy, licensed employees shall be grouped in system-wide licensed employee groups as follows:
  - Pre-K - 5 elementary school teachers
  - 6-8 middle school teachers grouped separately by licensure areas (e.g., middle school social studies teachers)
  - 9-12 high school teachers grouped separately by licensure areas (e.g., high school math teachers)
  - K-12 teachers grouped separately by special subject licensure areas (e.g., physical education teachers)
  - Career Technical teachers grouped separately by licensure areas (e.g., electrical trades teachers)
  - Special service personnel and school administrators grouped separately by licensure or assignment areas (e.g., principals, assistant principals, instructional supervisors/directors, media specialists)

Employees with multiple licenses shall be grouped in their current area of assignment (i.e., assignment for at least 50% of the instructional day).

The Superintendent is authorized to limit or narrow the scope of any affected group to those licensed employees who work in the school, facility, program, or department subject to the reduction in positions.

#### Notification and Procedures

When the Superintendent believes that grounds exist for a reduction in force or for the demotion of licensed employees, the Superintendent shall present a written recommendation to the Board of Education. The recommendation shall include:

1. The grounds for reduction in force;
2. The number or estimated number of the licensed positions to be reduced or demoted; and
3. The background information, data, and rationale for the recommendation.

The Board of Education shall review the Superintendent's recommendation and shall determine whether to authorize a reduction or demotion of licensed employees.

If the Board authorizes such action, the Superintendent shall recommend to the Board which licensed employees are to be dismissed or demoted, based on the guidelines established in this policy. Prior to submitting the recommendation to the Board, the Superintendent shall give written notice to the licensed employees by certified mail or personal delivery of the recommendation and the basis for which such action is justified. This written notice shall also inform the affected licensed employees of their right to request a hearing before the Board, as provided by G.S. 115C-325.

#### Guidelines for RIF Implementation

As a general rule, the selection of licensed employees for reduction or demotion will be made taking into account the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system and that maintains the continuity and stability of existing programs. If the Board authorizes a reduction in the number of licensed positions, the following steps shall be taken to determine which licensed employees are to be dismissed or demoted:

- A. Normal attrition (resignations, retirements, non-renewals, time certain contracts) shall be considered prior to any reduction in licensed employees.

- B. Next, probationary licensed employees in the affected licensed employee group shall be dismissed or demoted according to the method set forth below for reducing career licensed employees.
- C. Finally, licensed career employees in the affected licensed employee group shall be dismissed or demoted in accordance with the best interest of the school system, with consideration of the following criteria listed in order of priority:
  - 1. Employees who, during the current school year, either failed to satisfactorily complete an action plan or directed growth plan or were placed on an action plan or directed growth plan for the second time during the employee's employment with New Hanover County Schools, regardless of whether the employee satisfactorily completed such plan.
  - 2. Continuity and stability of existing operations and programs.
  - 3. Degrees, license or professional experience related to specific job needs.
  - 4. Seniority as measured system wide or by department, program, school basis or otherwise, whichever is in the best interest of the school system as determined by the Superintendent.
  - 5. Such other criteria as determined by the Board, including criteria based on recommendations and advice from the Superintendent.

The measurement of length of service applies only to years in which an employee has been employed by New Hanover County Schools. A year of service shall be defined as not less than 180 days during a normal fiscal year. In the event of a tie, total days of service shall be calculated to make a determination.

If funding for specially funded positions is reduced or eliminated, the Superintendent may recommend that the Board of Education only dismiss or demote licensed employees in those positions.

#### Procedure for Termination

All requirements of G.S. 115C-325 shall 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 probationary 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.

## Recall Procedure for Career Teachers

When career teachers are dismissed pursuant to this policy, their name shall be placed on the list of available teachers to be maintained by the Board of Education. Career teachers whose names are placed on such a list shall have priority on all positions for which they are qualified and become available in the system for the three consecutive years succeeding their dismissal. If the school offers dismissed career teachers a position for which they are licensed and they refuse the offer, their name shall be removed from the priority list.

The offer of re-employment shall be made by registered mail, return receipt requested. Affected career teachers shall be notified that they must accept the offer in writing within ten (10) days. Failure to accept within ten (10) days or rejection of the position eliminates all re-employment rights of the career teacher. Career teachers who have been terminated due to RIF and are re-employed within three (3) years shall be reinstated as career teachers.

Probationary teachers who are terminated due to RIF shall be given no credit for the time already served as probationary teachers for purposes of determining when they are eligible to be considered for career status if they are later re-employed.

Teachers who are recalled within three (3) years shall have restored to them all unused sick and personal leave.

### Limitations

Upon the recommendation of the Superintendent, the Board may exempt licensed employees from the reduction in force requirements if their displacement:

1. Results in the cancellation of the course(s) because no other staff member is trained to teach the course(s);
2. Results in a significant impairment in providing services or programs because of insufficiency of training and/or experience of other staff members; and,
3. Results in any other special or exceptional circumstances as recommended by the Superintendent and approved by the Board of Education.

The Board, upon recommendation of the Superintendent, may refuse to renew the contract of a probationary licensed employee or to re-employ any licensed employee who is not under contract for any cause it deems sufficient in accordance with G.S. 115C-325(m)(2). In such cases, the procedures set forth in this policy shall not apply.

In compliance with federal laws, New Hanover County Schools administers all educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability or gender, except where exemption is appropriate and allowed by law.

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New Hanover County Public Schools, Wilmington, North Carolina