

**ORANGE COUNTY
BOARD OF EDUCATION
AGENDA ITEM ABSTRACT**

Meeting Date: June 20, 2011

**AGENDA
ITEM No.** 11-06-(2)-16

ACTION ITEM: (Y/N) Y

SUBJECT: Professional Reduction In Force Policy # 7920 Revised – 1st Reading Approval

INFO. CONTACT: Ms. Marcie Holland **PHONE:** 919-732-8126

ATTACHMENT: 1. Professional Reduction In Force Policy #7920.

PURPOSE: To revise the Reduction In Force Policy #7920.

BACKGROUND: The recently passed House Bill 200, also referred to as the Budget Bill, requires local boards to have a revised policy in place on or before July 15, 2011, that reflects the Legislature's requirement that specific considerations be made when a Reduction in Force is necessary. The recommended revisions to policy # 7920 are being provided for first reading, discussion, and approval. The following revisions are being recommended:

1. The items that must be included are work performance, structural considerations, and organizational considerations. Per counsel's recommendation, we have added the specific language in the bill to the policy.
2. Also, we have changed the first criteria from *Performance Ratings* to read *Work Performance*. This is necessary because a Reduction in Force may be necessary prior to the completion of an evaluation cycle and performance ratings will not be available for consideration.
3. Finally, we changed the statement regarding the primary consideration being both work performance and career/probationary status. Based on counsel's opinion, using both of these is contrary to the requirement that work performance be the primary consideration.

This revised policy has been reviewed by counsel.

FINANCIAL IMPACT: None.

RECOMMENDATION: The Superintendent recommends the Board of Education approve the revised Professional Reduction In Force Policy #7920 first reading approval.

PROFESSIONAL REDUCTION IN FORCE

Date Reviewed/Approved: 03/21/2011 Policy Number: 7920

Rescinds Policy Number: GBNA

Issued: 10/06/1980, 04/19/2004, 04/06/2009

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

I. Grounds for Reduction in Force

Reduction in force may be implemented when the Board determines that any of the following circumstances exist:

a) System Reorganization:

1. the closing, consolidation or reorganization of schools, school buildings, facilities; the elimination, curtailment or reorganization of a curriculum offering, program or school operation; or the merger of two or more school systems.

b) Declining Enrollment

Declining enrollment exists when the enrollment or projected enrollment for the next succeeding school year or semester 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 or semester of a curriculum offering or program is inadequate to justify continuation of the course or program.

c) Financial Exigency

Financial Exigency means any significant decline in the Board of Education's financial resources that compels a reduction 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.

II. Preliminary Determination

- a) The Superintendent shall determine whether or not a reduction in force is necessary, appropriate or in the best interests of the school system.
- b) When the Superintendent believes that grounds exist for a reduction in force, the Superintendent shall present a recommendation to the Board of Education. The recommendation shall include:
 - 1) The grounds for reduction in force;
 - 2) The number or estimated number of licensed employees to be reduced by area(s) of licensure and/or program responsibility; and
 - 3) The background information, data, and rationale for the recommendation.
- c) *In determining which positions shall be subject to a reduction in force, the Superintendent shall consider the following:*
 - 1) *Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are: less essential, duplicative, or excess personnel; job responsibility and/or position inefficiencies; opportunities for*

- combined work functions; and/or decreased student or other demands for curriculum, programs, operations, or other services.
- 2) Organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.

- d) The Board of Education shall review the Superintendent's recommendation and shall determine whether to reduce the number of licensed employees or to reduce their terms of employment.
- e) 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.

III. 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 superintendent will consider the following factors in determining which employees shall be included in the reduction in force:

- a) ~~Performance ratings;~~ Work performance;
- b) Area(s) of licensure;
- c) Highly qualified status;
- d) Program enrollment;
- e) Service in extra duty positions and ability to fill such positions;
- f) Length of service, with higher priority given to service in the Orange County Schools;
- g) Degree level;
- h) Probationary or career status;

Among these factors primary consideration will be given to criteria (a) ~~and (h)~~ above.

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.

IV. 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 will be met, including time limits and procedures for notice and opportunity for a hearing, when any career employee (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 reduction in force.

V. Termination / Reemployment of a Career Employee

When a career employee 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. Career employees whose names are placed on such a list shall have a priority on all positions for which they are qualified which become available in the school district for the three consecutive years succeeding their dismissal. If the school district offers the dismissed career employee a position for which the employee is licensed and the offer is refused, the employee's name shall be removed from the priority list.

VI. Nonrenewal of an Employee

The Board, upon recommendation of the Superintendent, may decline to renew the contract of a probationary teacher or school administrator, or to reemploy any person who is not under contract, for any cause it deems sufficient. Such nonrenewal or non-reemployment is not considered a reduction in force, regardless of the reason(s) for the decision. The procedures set forth in this policy need not be followed before the Board's decision not to renew or reemploy such employee.

Legal Reference: G.S. 115C-325

Cross References: Career Status (policy 7410), Professional Employees: Demotion and Dismissal (policy 7930), Probationary Teachers: Nonrenewal (policy 7949)