

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

Meeting Date: April 18, 2011

**AGENDA
ITEM No.** 11-04-(2)-09

ACTION ITEM: (Y/N) Y

SUBJECT: Professional Employees: Demotion and Dismissal Policy # 7930 Revised – 2nd Reading Approval

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

ATTACHMENT: 1. Professional Employees: Demotion and Dismissal Policy # 7930.

PURPOSE: To revise the Professional Employees: Demotion and Dismissal Policy # 7930.

BACKGROUND: The recommended revisions to Policy # 7930 are being provided for second reading, discussion, and approval. The revisions reflect the North Carolina School Boards Association policy on professional employees' demotion and dismissal. The recommended revisions include:

1. Editorial changes to the paragraph that includes administrators during the period of their contracts in the list of professional employees to whom this policy applies.
2. Cross references the Resignation Policy #7900.

This policy has been reviewed by counsel. It was presented for first reading and approval by the Board on April 4, 2011 and is being presented for 2nd Reading Approval.

FINANCIAL IMPACT: None.

RECOMMENDATION: The Superintendent recommends the Board of Education approve the revised Professional Employees: Demotion and Dismissal Policy # 7930 2nd Reading Approval.

**PROFESSIONAL
EMPLOYEES: DEMOTION
AND DISMISSAL**

Date Reviewed/Approved: 1/19/2010

Policy Number: 7930

Rescinds Policy Number:

Issued: 11/19/2007

The board recognizes that an effective staff is critical to the smooth operations of the school district and to creating a learning environment where students can succeed. When an employee is unable or unwilling to meet performance expectations, the supervisor and superintendent should consider whether dismissal or demotion is appropriate.

Evaluators of career employees are expected to follow board policies on evaluation (Policy 7810) and personnel files (Policy 7820). Evaluators of career or probationary employees should provide the superintendent with carefully documented evidence concerning a person's inadequacies and lack of competencies when such inadequacies or lack of competencies has led to the recommendation and contemplation of dismissal or demotion. These documents also should show ways in which the evaluator has endeavored to help the employee become a more effective professional. In the interest of students and the welfare of the school district, dismissal or demotion may be pursued regardless of whether the evaluator has met these expectations, so long as the legal grounds for seeking dismissal or demotion can be sufficiently demonstrated.

All legally required or contractually agreed-upon procedures, including those prescribed in G.S. 115C-325, will be followed in the dismissal or demotion of employees. Career employees, probationary employees during the term of their contracts, and school administrators during the term of their contracts may be dismissed for the following reasons as outlined in G.S. 115C-325(e)(1):

1. inadequate performance;
2. immorality;
3. insubordination;
4. neglect of duty;
5. physical or mental incapacity;
6. habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes;
7. conviction of a felony or a crime involving moral turpitude;
8. advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence, or other unlawful means;
9. failure to fulfill the duties and responsibilities imposed upon teachers by the General Statutes;
10. failure to comply with such reasonable requirements as the board may prescribe;
11. any cause which constitutes grounds for the revocation of such career teacher's teaching certificate;
12. a justifiable decrease in the number of positions due to district reorganization or decreased enrollment provided that there is full compliance with other statutory requirements;
13. failure to maintain one's certificate in current status;
14. failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the General Statutes; and
15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.

Resignation by a career employee who has been recommended for dismissal under G.S. 115C-325(e)(1) is subject to the provisions of policy 7900, Resignation.

Legal References: G.S. 115C-325, 16 N.C.A.C. 6C.0502

Cross References: Staff Responsibilities (Policy 7300), Job Descriptions (Policy 7400), Career Status (Policy 7410), Professional Development and Assistance (Policy 7800), Evaluation of Licensed Employees (Policy 7810), Personnel Files (Policy 7820), Annual Independent Audit (Policy 8310)