

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

**Meeting Date:** March 7, 2011

**AGENDA  
ITEM No.** 11-03-13  
**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. Reduction In Force Policy #7920.

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

**BACKGROUND:** The recommended revisions to policy # 7920 are being provided for first reading, discussion, and approval. The revisions reflect the North Carolina School Boards Association policy on professional reduction in force. The recommended revisions include:

- Clarification of the role of the Board and the Superintendent in the recommendation and approval of a reduction in force process.
- Clarification of the criteria for the superintendent's consideration when determining the needed reductions, including a licensed employee's highly qualified status.

General Statute 115C-325 designates the Board of Education as the hearing agent for employees being impacted by a reduction in force. Policy revisions being recommended clarify that it is necessary for board members to not be involved in the selection of individuals should an employee request to appeal a reduction in force to the Board of Education.

This revised policy has been reviewed by counsel.

**FINANCIAL IMPACT:** None.

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

**PROFESSIONAL REDUCTION  
IN FORCE**

Date Reviewed/Approved: 04/06/2009 Policy Number:  
7920

Rescinds Policy Number: GBNA

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

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) ~~District~~ **System** Reorganization ~~—defined as:~~

- ~~1. declining enrollment, financial exigency, or other cause(s) warranting the closing, consolidation or reorganization of schools, school buildings, facilities or programs; and the elimination, curtailment or reorganization of a curriculum offering, program or school operation; or the merger of two or more school systems. number of existing licensed employees exceeds the number required to staff the school, school buildings, facility or program as reorganized; or~~
- ~~2. any elimination, curtailment, or reorganization of a curriculum offering, program or school operation, or a reorganization or consolidation of two or more individual schools or school districts, that is unrelated to financial exigency.~~

b) ~~Decreased~~ **Declining** Enrollment

**Declining enrollment exists** ~~shall exist~~ 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) ~~Decreased Funding~~ **Financial Exigency**

**Financial Exigency** ~~shall mean~~ any significant decline in the Board of Education's available financial resources that **compels a reduction** ~~is brought about by decline in enrollment, unanticipated cost increases, or other actions or events that compel a change~~ 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) 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.
  - d) 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 appropriate 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. ~~The Superintendent shall give written notice to the individuals as required in G.S. 115C-325.~~

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

- a) Performance ratings;
- b) ~~Joint licenses;~~ 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; and
- i) ~~Recommendations and advice from the Superintendent.~~

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. ~~Exclusions~~

~~The Superintendent may recommend to the Board the exclusions of specifically identified employees in an area of licensure or administration from a reduction in force for specifically stated special or exceptional circumstances; provided, however, that a probationary employee may not be excluded from a reduction in force if his or her exclusion would result in the dismissal or demotion of a career teacher who is licensed and otherwise as qualified as the probationary employee. Special or exceptional circumstances include:~~

- ~~a) A need or desire to retain those employees whose performances are deemed outstanding based upon regular evaluation reports and other indicators of excellence;~~
- ~~b) A need or desire to retain those employees who are specifically qualified to coach or sponsor an extra-curricular activity; and~~
- ~~c) Any other special or exceptional circumstances as recommended by the Superintendent and approved by the Board of Education.~~

V. 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.

VI. 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.

VII. 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)**